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RULES UNDER THE MERCHANDISE MARKS ACT IV OF 1889.

HOME DEPARTMENT

NOTIFICATION

[1] *No 1474—Dated the 13th November 1891*

In the exercise of the power conferred by section 16 of the Indian Merchandise Marks Act, IV of 1889, and in supersession of all existing orders on the subject, the Governor-General in Council is pleased to direct that Criminal Courts, in giving effect to the provisions of the Act in respect of trade descriptions of quantity, measure, or weight of the goods specified hereunder shall observe the following instructions —

I—A trade description of length stamped on *grey, white,* or *coloured cotton piece goods* shall not be deemed to be false in a material respect unless—

(*a*) Where a single length is stamped, the description exceeds the actual length by more than—

4 inches in pieces stamped as 10 yards long and under,				
5	"	"	as above 10 yards and up to 23 yards long,	
7	"	"	" 23 "	36 "
9	"	"	" 36 "	47 "
18	"	"	" 47 yards long	

Provided that the average length of the goods in question shall not be less than the stamped length

(*b*) Where a maximum and a minimum length are stamped, the described maximum length is greater than the actual length by more than—

9 inches in piece goods under 35 yards long,			
18	"	"	35 yards and up to 47 yards long,
36	"	"	above 47 yards long

[1] The Gazette of India, Part I, 14th November 1891, Page 626

Provided that no such piece shall measure less than the minimum stamped length

II —A trade description of width stamped on *grey white* or *coloured cotton piece goods* shall not be deemed to be false in a material respect unless the description exceeds the actual width by—

Half an inch in pieces stamped as 40 inches or less in width

Three quarters of an inch in pieces stamped as over 40 inches or under 59 inches in width

One inch in pieces stamped as 59 inches or more in width

Provided that the average width of the goods in question shall be less than the stamped width

III —A trade description of count or number length or weight applied to *grey* or *bleached cotton yarn* shall not be deemed to be false in a material respect unless—

(*a*) The described count or number is greater or less than the actual count or number by more than 5 per cent, provided that the average count of the whole of the yarn in question is not greater or less than the described count, or

(*b*) The average length of the whole number of hanks in a bundle is less than 840 yards or

(*c*) In a bundle of yarn of any count under 50 described as being 10lb in weight the number of knots of twenty hanks each is not half of the number of knots of ten hanks each is not the same as and the number of knots of five hanks is not double the described count or number of the yarn or

(*d*) In a bundle of yarn of any count under 50 described as being 5lb in weight the number of knots of twenty hanks each is not a quarter of the described count or number of the yarn, or

(*e*) In a bundle of yarn of any count from 50 upwards the number of knots of twenty hanks each is not half or the number of knots of forty hanks each is not a quarter, when the described weight is 10lb and is not a quarter or an eighth as the case may be when the described weight is 5lb of the count or number of the yarn, or

(f) In the case of *bleached yarn* the described weight exceeds the actual weight by more than—

7½ per cent	in counts from 1 to 8,		
5 "	"	from above	8 to 18,
4 "	"	"	18 to 30,
2½ "	"	"	30 to 80

IV—A trade description of count or number applied to a bundle of *dyed cotton yarn* shall be accepted as indicating length only, the hank being taken to measure 840 yards and it shall be deemed to be false in a material respect if the average length of the hanks in a bundle is less than 819 yards

V—A trade description of length applied to *thread of any kind* (of cotton, wool, flax or silk) shall not be deemed to be false in a material respect unless it exceeds the actual length by more than 1 per cent

VI—The dimensions of goods on which their length or width is stamped shall be determined by measurement in imperial yards of 36 inches

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For rules under Section 19A, Sub Section (2) of the Sea Customs Act 1878, and Sections 19 and 20 of the Merchandise Marks Act 1889 see Notification No 1430 dated 6th April 1891 Gazette of India for 1891 Part I Page 187

Provided that no such piece shall measure less than the minimum stamped length

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Half an inch in pieces stamped as 40 inches or less in width

Three quarters of an inch in pieces stamped as over 40 inches or under 59 inches in width

One inch in pieces stamped as 59 inches or more in width

Provided that the average width of the goods in question shall be less than the stamped width

III —A trade description of count or number length or weight applied to *grey* or *bleached cotton yarn* shall not be deemed to be false in a material respect unless—

(*a*) The described count or number is greater or less than the actual count or number by more than 5 per cent., provided that the average count of the whole of the yarn in question is not greater or less than the described count, or

(*b*) The average length of the whole number of hanks in a bundle is less than 840 yards, or

(*c*) In a bundle of yarn of any count under 50 described as being 10lb in weight the number of knots of twenty hanks each is not half of the number of knots of ten hanks each is not the same as and the number of knots of five hanks is not double the described count or number of the yarn, or

(*d*) In a bundle of yarn of any count under 50 described as being 5lb in weight the number of knots of twenty hanks each is not a quarter of the described count or number of the yarn, or

(*e*) In a bundle of yarn of any count from 50 upwards the number of knots of twenty hanks each is not half or the number of knots of forty hanks each is not a quarter, when the described weight is 10lb and is not a quarter or an eighth as the case may be when the described weight is 5lb of the count or number of the yarn, or

(*f*) In the case of *bleached yarn* the described weight exceeds the actual weight by more than—

7½ per cent	in counts from		1 to 8,
5 "	"	*from* above	8 *to* 18,
4	"	,	18 to 30,
2½ "	"	"	30 to 80

IV—A trade description of count or number applied to a bundle of *dyed cotton yarn* shall be accepted as indicating length only, the hank being taken to measure 840 yards, and it shall be deemed to be false in a material respect if the average length of the hanks in a bundle is less than 819 yards

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MISCELLANEOUS

CATTLE POUNDS

No 175 —Dated Camp Ajmere, 1st April 1876

FROM THE OFFICIATING CHIEF COMMISSIONER, AJMERE MERWARA

TO THE COMMISSIONER, AJMERE MERWARA

With reference to your letter No 4004 of 22nd December 1875 on the subject of the Establishment of Pounds in the Cantonment of Local Corps I have the honor to sanction the introduction in the Ajmere District of the procedure prevailing in the Punjab under Home Department Notification No 3734 of 12th October 1875

HOME DEPARTMENT NOTIFICATION

No 3734 —The 12th October 1875

With reference to the Order of the Government of India Home Department No 55 3443 dated 21st August 1868 published in the Punjab *Gazette* of the 3rd September 1868 it is hereby notified that the Income from Cattle Pounds established by lawful authority in Military Cantonments in the Punjab shall be an asset of the Cantonment Fund and that all expenditure on them shall be charged to that Fund the Pounds being kept under the management of the Cantonment Magistrate subject to the control of the Magistrate of the District as required in Act I of 1871

2 This arrangement will have effect from the beginning of 1866 67 except in cases where it is already in force

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Translation of a Robkar issued from the Office of Colonel Charles George Dixon Commissioner of Ajmere dated 13th December 1854

It appears that formerly during the time of Southern rulers (Maharattas) certain cesses such as *Fouj Kharach* (Army expenses) leviable from Istimrardars and Jagirdars and *Bhum Bab* and *Bhom Dastur* leviable

from the Bhumias of *Jagir* and *Khalsa* villages as well as *Patel Bab* leviable from the Patels of the said villages were collected in addition to the land revenue recovered from the Khalsa villages and the fixed amounts paid by the Istimrardars Accordingly these cesses continued to be collected along with the land revenue by the British Government to the end of the year 1842 Colonel John Sutherland late Commissioner of the District however found that those who paid the above cesses to Government levied in their *turn numerous other cesses from their ryots who felt their pressure heavily* He therefore submitted a report to the Governor General of India recommending the abolition of the above cesses which amounted to Rs 68 842 After three years correspondence between Colonel Sutherland myself as Superintendent of Ajmere the Government of Agra and the Government of India an order of remission was received under letter No 66 dated 14th November 1842 from Mr Maddock Secretary to the Government of India to the address of Mr Hamilton Secretary to the Government of Agra None of the above cesses has accordingly been collected by Government from the Istimrardars the Bhumias or the Jagirdars for the last twelve years At the time when the remission was sanctioned it was ordered throughout the Ajmere District that thenceforth no Istimrardar Bhumia Jagirdar or Patel was to levy from any of his ryots any of the fees or perquisites referred to above Recently several disputes between the Bhumias of the Jagir and Khalsa villages and their ryots have come up and files have been prepared It appears that in spite of the abolition of the *Bhum Bab* and *Bhum Dastur* under orders of Government several of the Bhumias have not given up the collection of these dues *e g Chownri Kansa Muklara Nota Halsara Gao Shumari Kholri* skins of unclaimed corpses of animals *Parao* and Nazrana on *Holi Dasehra* festivals &c as detailed below which they have long been collecting Owing to the perseverent demands of the Bhumias the ryots of several villages are in severe distress and trouble

Accordingly I sent a letter to Mr William Muir Secretary to the Government of Agra for the information of the Lieutenant Governor to the effect that notwithstanding the fact of remission of *Bhum Bab* and *Bhum Dastur* several of the Bhumias still demand the dues and are unwilling to give them up in the Khalsa or Jagir villages wheresoever they do exist that it is very necessary that the realization of the dues in question should be stopped by order of Government and that all the fees be discontinued with the exception of the *Choukidari* and *Parao* fees and that the tenants be permitted to give *Chownri* and *Kansa* to the Bhumias at their pleasure that similarly the Patel

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TO THE COMMISSIONER, AJMERE MERWARA

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from the Bhumias of *Jaju* and *Khalsa* villages as well as *Patel Bab* leviable from the Patels of the said villages were collected in addition to the land revenue recovered from the Khalsa villages and the fixed amounts paid by the Istimrardars Accordingly these cesses continued to be collected along with the land revenue by the British Government to the end of the year 1842 Colonel John Sutherland late Commissioner of the District however found that those who paid the above cesses to Government levied in their turn numerous other cesses from their ryots who felt their pressure heavily He therefore submitted a report to the Governor General of India recommending the abolition of the above cesses which amounted to Rs. 68 842 After three years correspondence between Colonel Sutherland myself as Superintendent of Ajmere the Government of Agra and the Government of India an order of remission was received under letter No 66 dated 14th November 1842 from Mr Maddock Secretary to the Government of India to the address of Mr Hamilton Secretary to the Government of Agra None of the above cesses has accordingly been collected by Government from the Istimrardars the Bhumias or the Jagirdars for the last twelve years At the time when the remission was sanctioned it was ordered throughout the Ajmere District that thenceforth no Istimrardar Bhumia Jagirdar or Patel was to levy from any of his ryots any of the fees or perquisites referred to above Recently several disputes between the Bhumias of the Jagir and Khalsa villages and their ryots have come up and files have been prepared It appears that in spite of the abolition of the *Bhum Bab* and *Bhum Dastur* under orders of Government several of the Bhumias have not given up the collection of these dues *e g Chowkri Kansa Mullava Nota Halsara Gao Shumari Kholri* skins of unclaimed corpses of animals *Parao* and Nazrana on *Holi Dasehra* festivals &c. as detailed below which they have long been collecting Owing to the perseverent demands of the Bhumias the ryots of several villages are in severe distress and trouble

Accordingly I sent a letter to Mr William Muir Secretary to the Government of Agra for the information of the Lieutenant Governor to the effect that notwithstanding the fact of remission of *Bhum Bab* and *Bhum Dastur* several of the Bhumias still demand the dues and are unwilling to give them up in the Khalsa or Jagir villages wheresoever they do exist that it is very necessary that the realization of the dues in question should be stopped by order of Government and that all the fees be discontinued with the exception of the *Choukidari* and *Parao* fees and that the tenants be permitted to give *Chowkri* and *Kansa* to the Bhumias at their pleasure that similarly the Patel

fees having been remitted, the dues received by the Patels should be stopped and that in this case too, the payment of *Kansa* and *Chownri* to the Patel should be left optional, and that the collection of *Parao* and *Choukidari* fees should in every village continue for the protection and security of goods, cattle, &c., and that the continuance of *Parao* is necessary and expedient. The letter sent by me was placed before His Honor the Lieutenant-Governor, who sanctioned and approved of my proposals in letter No 4592, dated 24th November 1854, from Mr Muir, Secretary to the Government North-Western Provinces, to my address, which purports to say that the Lieutenant Governor entirely concurs with my opinion and grants permission for the carrying out of the proposals with regard to *Bhum* and *Patel* dues made in my letter, and that the Government having the well-being of the people at heart requires that none of the ryots should be oppressed with any such fees or dues, and with this object in view, has generously and liberally remitted during one year thousands of rupees. A prolonged correspondence was held for three years between the Government officers, with a view that all the British subjects may enjoy peace and prosperity The collection of dues from tenants was ordered at the time of the remission The demand by the Bhumias of the fees and dues remitted by Government was altogether improper As it appeared that certain Bhumias were not at all inclined to give up the items of dues, a report was submitted to the Government Orders have now been received from the Lieutenant-Governor approving my report, and, as it is expedient that those orders should be complied with by everybody, it is hereby ordered that Parwanas should be addressed to the Thanedars and Tehsildars for the information of the public, on the authority of this Robkar, to the effect that the Thanedars should explain and inform the people that the dues formerly levied, and now remitted by Government, cannot now be collected by anybody In regard to the Jagir and Khalsa villages the ryots are given the option of giving the *Chownri* and *Kansa* to the Bhumias and Patels. Hindi orders should also be written to the Patels and Bhumias saying that in case they again collect the dues remitted by Government they will be liable to punishment Parao and Chowkidari fees may, however, be collected as heretofore. The *Chownri* and *Kansa* fees may be paid at the option of the tenants at the time of marriage One copy of this Robkar should be sent to the Assistant Commissioner, and one to each of the Saddar Amins.

List of dues received by Bhumias which, after an inquiry by the Thanedars and verified by the Bhumias and Patels was submitted with the report

All the dues except *Parao* and *Choukidari* fees, and *Chowrri* and *Kansa* due to Bhumias and Patels which rest at the option of the ryots, have been stopped Some of the dues are collected in one village, while others in another

(1) Chowrri
(2) Mukliva
(3) Nota
(4) Kansa
(5) Halsara
(6) Gao Shumari
(7) Skins of unclaimed animals
(8) Parao (encamping ground)
(9) Holi and Daserah presents
(10) Ram Ram on marriages
(11) Drum beating
(12) Lodhi
(13) From Mahajans on occasions of their sons' marriages
(14) Grain
(15) Kholri.
(16) Samela
(17) One man from each house for a day for cutting grass
(18) In a few villages on the occasion of a Bhumia's eldest son's marriage, one rupee per house.
(19) In every enclosure Rs 8 of Kishengurh currency per 100 bullocks
(20) On cultivated land 4 pice
(21) Potters bring water and the sweepers fuel for the hearth
(22) A cot with quilt, and waterpots on arrival of guests at a Bhumia's house
(23) On the Tejaji Fair in Tabiji, 2 annas per shop
(24) Dried trees in the jungle
(25) Permission is taken for clearing the waste
(26) One cot and quilt when necessary
(27) Repair of Bhumia's Castle without payment of any wages
(28) Two pice per bigha from cultivators
(29) On occasion of marriage 2½ annas on account of cloth
(30) One man daily brings cow dung and cow dung cakes from cultivators
(31) Pala and wood on uncultivated lands of Bhumias

Miscellaneous Cesses]

(32) 70 Makki ears
(33) One cart full of earth per house
(34) Corn 5 seers per field
(35) One bullock for a day from cultivators per house
(36) One sheaf of wheat stems
(37) One pice per rupee on *Zabti*
(38) Two skins and manure from Balais
(39) Two buffaloes annually
(40) 1½ skins for Charsa from Regars
(41) 4 annas per bigha on cultivated land
(42) Picnic fees on Holi and Dewali Festivals
(43) One bundle of husk
(44) 20 Makki ears per crop
(45) Re 1 as present at appraisement time
(46) If a Bhumia cultivates he gives a fourth share
(47) One goat annually from Zamindars.
(48) One pair of shoes from Chamars and Balais
(49) Cowries from Re 1 to Rs 4
(50) Rupees 4 on account of Zamindari right in the Rabi crop
(51) Nota is not fixed
(52) The usual *Chowkidari fees are collected*
(53) Manure of Parao is taken

(Sd) DIXON COLONEL.
Commissioner of Ajmere

CONSTITUTION OF DURGAH KHWAJA SAHIB

ORDER BY HIS HONOR THE LIEUT GOVERNOR, NORTH WESTERN PROVINCES

NOTIFICATION

[1] *No* 602 *A —Dated the 22nd February* 1865

Under Section 10, Act XX of 1863, the Hon'ble the Lieutenant Governor is pleased to prescribe the following rules for filling any vacancy which may hereafter occur among the Members of a Committee appointed under the Act above named to superintend the maintenance of any Mosque Temple or other Religious establishment

All persons who may be hereafter appointed to such Committee shall be elected by the male residents of the vicinity, such electors being not less than 18 years of age and professing the religion in the interest of which the endowment was founded, and having their permanent residence at a distance of not more than five miles from the Institution

Whenever any vacancy shall occur among the members of a Committee appointed as above, the remaining members of the Committee shall, as soon as possible, affix a notice, if the establishment be Mahomedan, in Persian and Urdu, or if it be Hindu, in the Hindi language and character, conspicuously, and in front of the main entrance to such Mosque, Temple or other Religious establishment, declaring the occurrence of the vacancy, and calling on all qualified electors to assemble at noon on a day which shall be specified in the notice, and which shall not be later than three months from the date of the vacancy, at some convenient place, which shall also be specified, for the purpose of electing a new member

The remaining members of the Committee, or one or more of them, shall attend, at the specified time and place, for the purpose of conducting the election, which shall be made as follows —Every voter shall be questioned separately A separate paper shall be provided for each proposed member, whose name shall be written at the head of the paper Every voter shall sign his name, or cause his name to be signed for him on the paper provided, for the member for whom he votes

The signatures shall be numbered consecutively as they are made, and as each signature is affixed, the name of the person voted for, and the number of votes that have been recorded shall be called out

The person who may obtain the largest number of votes shall be held to have been duly elected

[1] Government *Gazette*, North Western Provinces, dated 1st March 1865, page 120.

NOTIFICATION

General Department

[2] *No* 1811 *A —Dated the* 1*st June* 1867

Under Section 7 of Act XX of 1863, the Hon ble the Lieutenant Governor is pleased to direct that the Committee for the carrying out of the provisions of the said Act, in regard to the Endowments of the Durgah of Moin ud din Chisty, commonly known as Khwaja Sahib, at Ajmere, shall consist of 5 Members, of whom one who will also act as President, shall be an independent native gentleman professing the Mussulman religion, and the others shall be selected from the parties interested in the management in the proportion of one from the family of the Dewan, one from that of the Mutwalli, and two from among the Khadims

The undermentioned native gentlemen are accordingly appointed Members of the Committee —[a]

*   *   *   *   *   *

Copy of Circular No 613, *dated the* 16*th June* 1886, *from the First Assistant Agent to the Governor General, Rajputana, to the Commissioner, Ajmere Merwara, and all Political Officers in Rajputana*

The Chief Commissioner and Agent to Governor General having had occasion to observe certain irregularities of procedure in the dismissal of public servants from the service of Government I am directed to call your attention to the instructions laid down in the Home, Revenue, and Agricultural Departments, No $\frac{37}{13891404}$, dated 29th July 1879, copy of which was circulated to all Political Officers under this office endorsement No. 1653 G, dated 20th August of the same year, and to remind you of the importance not only of giving the public servant, who is threatened with dismissal, every facility for replying to the charge against him, but also of recording his d fence, and the reasons for the decision thereon

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[2] Government *Gazette*, N W P, dated 12th June 1867, page 396

[a] At present the Durgah Committee consists of the following Members —

(1) Munshi Allabnur Khan, *President*
(2) Mir Shafi Husein
(3) Hafiz Muhammad Husein
(4) Mir Zahurul Husein
(5) Sheikh Allah Bakhsh

No $\frac{37}{1389-1404}$

Extract from the Proceedings of the Government of India in the Home, Revenue, and Agriculture Department (Public) under date Simla, the 29th July 1879

RESOLUTION

From time to time petitions, or appeals, against the orders of local officers, removing or dismissing Government servants reach the Government of India. Such appeals ordinarily are forwarded through, or are reported upon by the Local Governments And the Governor-General in Council is glad to say that he very rarely indeed sees ground for thinking such removals hasty or unjust The general rule of the service is that the authority who can appoint to a particular office has power to dismiss or remove from that office, and an appeal lies from an order of dismissal to the official superior of the officer who passes such order Since the date of the order passed by the Court of Directors in 1851 no general instructions on the subject of dismissing public servants have been circulated by the Government of India Local Governments have from time to time issued such orders, and copy of a recent circular of the N -W P Government on the subject is appended to this Resolution His Excellency the Governor-General in Council believes that the forbearance and consideration enjoined by the Honorable Court are usually exercised by public officers of all grades and departments, but at the same time he deems it advisable to republish those instructions with the following remarks —

1 In order that a dismissed servant of Government may be able to exercise his right of appeal it is obviously necessary that the charge against him, his defence, and the order thereon, should be reduced to writing And this course, so far as the Governor-General in Council is aware, is usually taken In the case of public servants who are dismissed in consequence of facts or inferences elicited at judicial trial, or in the case of persons who abscond with an accusation over their heads, this procedure may be unnecessary or impossible But in all other cases of the dismissal of public servants the charge against a public servant should be reduced to writing, his defence should be either taken in, or reduced to writing, and the decision on such defence should also be in writing In many cases (such for instance as that of a clerk at an out-lying tehsil station) the officer who passes the order of

dismissal may not be able to make the enquiry himself, and the proceeding leading to dismissal would be conducted by the superior officer on the spot The record of such charge, defence, and decision would then furnish sufficient information for, and should be submitted to the superior officer or the Government to whom the dismissed servant may prefer an appeal

2 In regard to the rules of conduct which should guide the relations of superior officers with their subordinates, the Governor General in Council fully concurs in the views expressed by the late Court of Directors in paragraphs 4 to 9 of their despatch No 42 of 1851, copies of which are appended to this Resolution

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From C Robertson Esq Officiating Secretary to Government of North-West Provinces and Oudh, to all Heads of Departments, Commissioners, and District Officers in the North West Provinces and Oudh, No 11a, dated 13th April 1877

It has frequently been noticed by the Government in petitions from persons who have been degraded or deprived of their situations in the public service, that the petitioners have not had an opportunity of explaining their conduct and of making their defence before being reduced or dismissed from their appointments The Lieutenant Governor and Chief Commissioner accordingly directs that in all cases of punishments, and especially in all cases of dismissal the person concerned shall always be given a hearing before the final order is passed, and a formal proceeding embodying the statements taken and the reasons of dismissal shall invariably be recorded

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Extract paragraphs 4 to 9 of a Despatch from the Honorable Court of Directors No 42 dated 6th August 1851

PARA 4 In the letter from the Secretary to the Sudder Board of Revenue North West Provinces, conveying the opinions of the members of that Board we notice the following passages —

It scarcely needs to be stated that Native Officers are frequently dismissed from their situations, not for proved delinquency or any tangible matter or substantial charge, but in accordance with the opinions of their immediate superiors taken up against them sometimes hastily

A large portion of the public servants are under the absolute control of one officer, who has the absolute power of dismissal, and men are consequently often dismissed by caprice and also as a punishment

An officer often, too, dismisses a man merely as a punishment, with the intention, frequently carried out, of re-appointing him

Further, the native servants of Government are treated with a degree of hardship which stands in remarkable contrast to the conduct adopted towards Europeans or Officers of mixed parentage

To such an extent does this severity prevail that all prudent natives resign when they perceive that their superiors do not regard them with favor. This state of things has the worst effect on our native Officers It induces them to make hay while the sun shines, and to add to the severity now used, by pronouncing every man dismissed incapable of serving Government would only add to the evil

Once again, the junior member of the Board takes this opportunity to put on record his deliberate opinion that less caprice, less severity, less indignity in the treatment of native servants of Government is necessary if Government would be well served by them

PARA 5 We confess we have perused these statements with pain and deep regret If the treatment of native officials by their covenanted superiors be indeed generally of the harsh character here alleged, it is most discreditable to those members of our Civil Service who have practised it

PARA 6 But the rule we instructed you to introduce, in place of aggravating the evil, as is alleged, will in reality ameliorate the position of the unconvenanted servants We would establish it as a principle that when persons are appointed to permanent situations in any Department they should not be dismissed upon light grounds Fraud and dishonesty continued and wilful negligence, and all offences involving moral disgrace, meet with their appropriate punishment in dismissal, and our position is that in every case in which that punishment is inflicted upon just grounds, the individual should be considered to be permanently excluded from Government employ. With regard, however, to the instances of arbitrary dismissal for slight reasons adverted to by the Secretary to the Board of Revenue, we can neither recognise their propriety nor see the advantage accruing to Government from the practice It may be doubtful whether the punishment of temporary

suspension under the name of dismissal with the intention of re-appointment" has any beneficial operations as regards the supposed offender But we cannot doubt that it must tend to impede the business of the office by raising fears in the minds of the other native officials that the caprice of their superiors may inflict upon them the same penalty

We consider it more likely that Government will be well served if it is distinctly understood that probity and diligence are the conditions of continued employment than if the subordinates work in slavish dread of their official superior knowing that his whim prejudice or passion may at any hour eject them from their situations and reduce them to destitution. In our opinion moreover the knowledge that gross misconduct will altogether exclude from the service of Government will operate as an additional inducement to the honest and attentive discharge of duty on the part of native servants. If the offence which a subordinate may commit be considered by the chief of his office to merit severe punishment though not the ultimate one of dismissal the circumstances should be reported to higher authority, and if necessary to the Government for their judgment and decision.

PARA 7 The salutary tendency of the proposed rule will therefore be to make subordinates more faithful in the discharge of their duties, and supervisors more cautious in inflicting punishment upon those under their control—necessary as it is, that the power of dismissal should be vested in the chiefs of Departments it is equally desirable to check and as far as may be practicable, to regulate that power If evidence of this be required the letter from the Agra Board of Revenue affords it and we shall here further quote the sentiments of the junior member of that Board as a corroboration of the view which we are led to take of this question. He observes that since he has entered the service the Government have done much to temper the arbitrary severity with which their native officers are treated by their European fellow servants and they have in consequence materially increased the honesty and faithfulness of that deserving class of men, but more remains to be done, and he doubts not will be done by degrees. We give due weight to the opinions to which we have adverted and under the explanation we have now given we are not disposed to depart from our order of the 10th July 1850.

PARA 8 There is, however a class of cases which does not come within the intention of our order though erroneously considered in this light by

the authorities in the North Western Provinces, we mean cases of inaptitude for the particular branch of occupation to which a native servant may have been originally appointed, as well as cases of physical incapacity. The latter must be treated according to rule, and with regard to the former we cannot but think that in the majority of cases the difficulty might be overcome by a re-adjustment of duties without rocourse to the harsh steps of removal from office

PARA 9 We would, in conclusion, express our hope that the notice we have taken of this subject will have the beneficial effect of inducing the exercise of greater forbearance, and a more just consideration on the part of our Civil servants towards the useful and deserving class of men placed in subordination to them With respect to the most important class of those men, namely, those receiving salaries of above Rs 10 a month, and to some of whom under certain restrictions, pensions are granted upon retirement, we think that you might issue instructions that you should be kept advised of the dismissal of all individuals composing that class, and of the causes of their dismissal This would afford an opportunity for enquiry into cases, in which the cause might appear unsatisfactory or questionable, which does not at present exist Should any instances unfortunately occur to disappoint the expectation which we have expressed that greater forbearance and justice will be exercised towards the native servants we desire to be invariably informed of them, whether they shall occur in the class above referred to or in any others, and we shall feel it to be our duty to visit such conduct with the expression of our severe displeasure

STATEMENT SHOWING THE SUBJECTS, &c , OF THE

No	Name of Examination	Reference to Rules	Subjects Prescribed	Full marks	Pass marks	Officers on whom the Examination is compulsory
1	2	3	4	5	6	7
1	Petition Writers Examination	Judicial Commissioner s Order dated 3rd May 1896	It has been the practice to examine the candidates and to allot the marks as below —			All Petition Writers
			Hand writing	40	16	
			Spelling	40	16	
			Form	40	16	
			Composition	40	16	
2	Patwaris Examination	Chief Commissioner s Notification No 7135 dated 16th July 1889	Hindi Reading and Writing	100	40	All Patwaris and Naib Patwaris
			Arithmetic up to Rule of Three	100	40	
			Plane table survey and computation of areas	100	40	
			Patwari Rules	100	40	
3	Girdawars Examination	Ditto	Hindi Reading and Writing	80	32	All Girdawars
			Urdu , ,	80	32	
			Arithmetic	100	40	
			English figures	50	20	
			Survey by plane table and computation of areas ..	50	20	
			General Revenue Laws			
			1 Land and Rev Reg II of 1887			
			2 Irrig Reg No VIII of 1887			
			3 Patwari Reg of 1895			
			4 Land Acquisition Act			
			5 Agri Loans Act XII of 1884			
			6 Land Improvement Loans Act XIX of 1884			
			General Revenue Rules			
			1 Revenue Rules 2 Irrigation Rules 3 Patwari Rules with Hidayatnama Patwarian 4 Rules from the maintenance of traverse survey and boundary marks 5 Taccavi Rules			

VARIOUS EXAMINATIONS HELD IN THE AJMERE DISTRICT.

Date of Examination	Officer under whose orders the Examination is conducted	Other Remarks and Conditions
	9	10
	Assistant Commissioner, Ajmere	Aggregate pass marks $\frac{187}{375}$ The candidate will have to prove satisfactorily that he is of respectable character and that he can draw up a clear concise, and straightforward petition plaint, or memorandum of appeal
Twice a year	1 Rev Extra Assistant Commr, President 2 Tehsildar Ajmere 3 Deputy Inspector of Schools, Ajmere 4 Girdawar	Questions on Patwari Rules consist of general questions on the subject of Irrigation and other Revenue matters Aggregate pass marks $\frac{240}{400}$
Twice a year (1) 15th April and the following days (2) 15th October and the following days	1 Rev Extra Assistant Commr, President 2 Tehsildar, Ajmere 3 Dy Inspector of Schools	The detail of General Revenue Laws and General Revenue Rules has been prescribed by the Collector

Miscellaneous.]

Local Departmental Examinations

STATEMENT SHOWING THE SUBJECTS, &c, OF THE

No	Name of Examination	Reference to Rules	Subjects Prescribed	Full marks	Pass marks	Officers on which the Examination is compulsory
1	2	3	4	5	6	7
4	Court Readers Examination	Chief Commissioner's Notification No [illegible] dated 15th February 1889	Civil Procedure Code	150	60	All Court Readers
			Criminal Procedure Code	150	60	
			Limitation Act	80	32	
			Court Fees Act	80	32	
			Stamp Act	80	32	
			Translation and transliteration into Hindi and English	50	20	
			Conversation	50	20	
			Urdu translation	50	20	
5	Lower Standard Examination	Ditto	A simple examination in			
			Revenue			
			(1) The Ajmere Land Rev Reg and Rules	200	80	All Tehsildars, Naib Tehsildars Munsiffs, Sub Judges 2nd class and Magistrates of the 3rd and 2nd classes
			(2) The Irrigation Regulation and Rules	120	48	
			(3) The Land Acquisition Act	120	48	
			Judicial			
			(1) The Indian Penal Code and Amending Acts with the Whipping Act	150	60	
			(2) The Code of Criminal Procedure	150	60	
			(3) The Code of Civil Procedure	150	60	
			(4) The Evidence Act	120	48	
			(5) The Ajmere Court Regulation	80	32	
			(6) The Ajmere Laws Regulation	50	32	

VARIOUS EXAMINATIONS HELD IN THE AJMERE DISTRICT.

Date of Examination	Officer under whose orders the Examination is conducted	Other Remarks and Conditions
8	9	10
Once a year in January .	(1) Commissioner, President (2) Assistant Commissioner, Ajmere (3) Judicial Assistant Commissioner, Ajmere	Reader to the Assistant Commissioner, Ajmere, shall also pass the Lower Standard Examination in Land Revenue Regulation and Rules Aggregate pass marks $\frac{400}{600}$
Ditto	Ditto	Aggregate pass marks $\frac{850}{1550}$

Local Departmental Examinations

STATEMENT SHOWING THE SUBJECTS, &c , OF THE

No	Name of Examination	Reference to Rules	Subjects Prescribed.	Full marks	Pass Marks	Officers on whom the Examination is compulsory
1	2	3	4	5	6	7
5	*—continued*		**For Officers knowing Urdu**			
			(1) Transliteration and translation into Urdu Urdu or English of easy manuscript documents in (*a*) Kayasthi and (*b*) the Mahajani character	50	20	
			(2) Translation of a simple piece of English into Hindi in these characters	50	20	
			(3) Conversation in the ordinary language of the District with an ordinary villager	50	20	
			For Officers knowing Hindi			
			Similar tests in Urdu omitting the conversational portions			
			A more difficult examination in the subjects mentioned above, adding for Judicial Officers			
6	Higher Standard Examination	Chief Commissioner s Notification No [illegible] dated 15th February 1889	(7) The Limitation Act	80	32	Revenue Officers, Sub Judges 1st class and Magistrate 1st class below the rank of Extra Assistant Commissioner
			(8) The Contract Act	100	40	
			(9) The Court Fees Act	80	32	
			(10) The Stamp Act	80	32	
			(11) The Transfer of Property Act	100	40	
			(12) The Specific Relief Act	100	40	
			For Officers knowing Hindi			
			The same tests laid down for the Lower Standard being of a more difficult character	50	20	
			For Officers knowing Hindi			
			Similar tests in Urdu, omitting the conversational portions	50	20	

VARIOUS EXAMINATIONS HELD IN THE AJMERE DISTRICT.

Date of Examination	Officer under whose orders the Examination is conducted	Other Remarks and Conditions
8	9	10
Once a year in January	Commissioner, President Assistant Commissioner, Ajmere Judicial Assistant Commissioner	Aggregate pass marks [illegible]

Local Departmental Examinations

Rules sanctioned by the Chief Commissioner Ajmere Merwara for the examination of Officers (whose appointments are not made by the Government of India) in the Ajmere Commission exercising Revenue and Judicial powers

(*Vide* his letter No $\frac{151}{34}$ dated 15th February 1889)

1 From and after 1st April 1889 no salaried officer unless appointed directly by the Government of India or unless otherwise directed by the Chief Commissioner Ajmere Merwara shall be invested with Civil Criminal or Revenue jurisdiction or have his power extended until he has passed the Lower Standard of examination hereinafter prescribed

2 There shall be two standards of examination *viz* —

Lower Standard—For Tehsildars Naib Tehsildars Munsiffs Sub Judges 2nd Class and Magistrates of the 3rd and 2nd Class

Revenue —A simple examination in—

	Marks
(1)—The Ajmere Land and Revenue Regulation and Rules	200
(2)—The Irrigation Regulation and Rules	120
(3)—The Land Acquisition Act	120

Judicial —A simple examination in—

(1)—The Indian Penal Code and amending Acts with the Whipping Act	150
(2)—The Code of Criminal Procedure	150
(3)—The Code of Civil Procedure	150
(4)—The Evidence Act	120
(5)—The Ajmere Courts Regulation	80
(6)—The Ajmere Laws Regulation	80

For Officers knowing Urdu

(1)—Transliteration and translation into Urdu or English of easy manuscript documents in *(a)* Kayasthi and *(b)* the Mahajani character	50 each

(2)—Translation of a simple piece of English into Hindi in these characters	50	each
(3)—Conversation in the ordinary language of the district with an ordinary villager	50	„

For Officers knowing Hindi

Similar tests in Urdu, omitting the conversational portions

Higher Standard—For Revenue Officers, Sub Judges 1st Class and Magistrate 1st Class below the rank of Extra Assistant Commissioner a more difficult examination in the subjects mentioned above adding for Judicial Officers—

	Marks
(7)—The Limitation Act	80
(8)—The Contract Act	100
(9)—The Court Fees Act	80
(10)—The Stamp Act	80
(11)—The Transfer of Property Act	100
(12)—The Specific Relief Act	100

For Officers knowing Urdu

The same tests laid down for the Lower Standard being of a more difficult character

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For Officers knowing Hindi

Similar test in Urdu, omitting the coversational portions

Any Officer who has passed the Lower Standard may, with the permission of the Commissioner, apply to be examined under the Higher for the purpose of showing proficiency

3 Officers exercising Revenue and Judicial powers, who have not passed the examination already, shall, if so required, pass the same within one year, or such period exceeding one year as may be determined by the Commissioner with the previous sanction of the Chief Commissioner

Miscellaneous.]

Local Departmental Examinations

4 The Chief Commissioner may, in his discretion, order the removal of an officer who has failed in three successive examinations, or declare such officer unfit for further promotion, or exempt him from the prescribed examination altogether

5 The examination Committee shall consist of—

The Commissioner and Sessions Judge—President
The Assistant Commissioner Ajmere, and,
The Judicial Assistant Commissioner,

and shall assemble on dates to be fixed by the Commissioner

6 The pass qualification in each standard shall be ⅔rds of the total marks, subject to a minimum of 40 per cent in each subject

7 All Court Readers shall at first be appointed on probation only, and shall not be confirmed in their appointments till they have passed the Lower Standard in the Criminal and Civil Procedure Codes, the Limitation Act, the Court Fees Act and the Stamp Act, and in language, and their appointments shall be conditional on their passing within a year

8 The Reader to the Assistant Commissioner of Ajmere shall also pass the Lower Standard in Revenue Law



LOTTERIES AND RACE SWEEPS

No $\frac{5}{1463}$

From A MACKENZIE Esq C S, Secretary to the Government of India, Home Department to Madras, Bombay, Bengal, N W P and Oudh, Punjab, Central Provinces, British Burma, Coorg, Assam and Hyderabad

Dated Simla, 31st May 1882

The attention of the Governor General in Council has recently again been drawn to the fact that in some instances sanction has been given by local authorities to the holdings of lotteries for various objects and to the appearance in the local newspapers of advertisements regarding such undertakings. This has probably been through inadvertence or forgetfulness of the tenor of the Home Department Resolution No 329 of the 1st November 1877 The Government of India retain the opinion then expressed that the practice in question is distinctly mischievous, and one to which no encouragement of any kind should be given by Government I am accordingly directed to request that all applications for permission to hold lotteries may be in future invariably refused

No 184

Copy forwarded to the several Departments of the Government of India for information and guidance

(Sd) A H T MARTINDALE

Offg Under Secretary to the Government of India

GOVERNMENT OF INDIA HOME DEPARTMENT

No 329

Extract from the Proceedings of the Government of India in the Home Department (Police), under date Simla, the 1st November 1877

Reads —

A circular of the Punjab Government, dated the 29th March 1877, withdrawing the prohibition against the publication of advertisements of lotteries not authorized by Government

L[illegible]

P[illegible] —

A[illegible] from [illegible] Bengal G[illegible] 13th S[illegible] 1877 [illegible]

[illegible] —On [illegible] Bengal G[illegible] C[illegible] of P[illegible] L[illegible] [illegible] of L[illegible] 294 [illegible] Penal C[illegible] [illegible] H[illegible] H[illegible] [illegible] Local G[illegible] in Bengal [illegible] law [illegible] H[illegible] H[illegible] [illegible] down by law [illegible] to be a harmless [illegible] Penal C[illegible] repealed [illegible] H[illegible] H[illegible] [illegible]

2. The G[illegible] of India [illegible] H[illegible] H[illegible] [illegible] to the [illegible] character of the [illegible] and [illegible] advertised, and [illegible] [illegible] greater dim[illegible] As the in[illegible] of the law on the subject is clear and as its provisions were [illegible] [illegible] the Government of India [illegible] Local Govern[illegible] and A[illegible] [illegible] the law [illegible] gazette [illegible] official Gaz[illegible]

RULES REGARDING REDUCTION OF MARRIAGE AND FUNERAL EXPENSES AMONGST THE ZEMINDARS OF THE MERWARA DISTRICT.*

Dated 4th July 1891

The zemindars of Merwara have agreed among themselves to accept the following rules for the regulation of expenses on marriages and "mosur" ceremonies They are hereby published for general information and guidance, and Tehsildars are requested to see that they are duly observed —

A half-yearly return in the Form attached of marriages and "mosurs" should be submitted to Commissioner's Office on 1st January and 1st July by the Assistant Commissioner, Merwara

1 The term 'zemindars" means and includes Mers, Merets, Rawats and Chitas

2 The expenses of ceremonies at all the marriages and deaths amongst zemindars in the Perganahs of Beawar and Todgarh in the Merwara District, shall in future be regulated according to the conditions and rates herein laid down

3 The marriage expenses shall be divided into three heads as under—

(a)—Betrothal Ceremony

(1)—On betrothal	Rs 20
(2)—Extra expenses to be incurred within 3 years of betrothal	Rs 20

(b)—Marriage Ceremonies

(1)—At the time of marriage	Rs 40
(2)—*Rat* (night of marriage) . .	„ 35
(3)—Brahmins, Dholee, &c	„ 25
N B—The above expenses will be incurred by the father of the bridegroom, while the father of the bride will only give a dowry and ornaments of the value of ...	„ 27

* For rules applicable to Rajputs in Rajputana see head "Rajputana Agency"

Miscellaneous]

Marriage and Fure al Expenses

(c)—*Nata Expe ses*

(1)—If Nata is made in the family	Rs. 100
(2)—If el ewhere	120
(3)—If Nata is made without the consent of bride s relatives	725

4 If for any reason the father of the bride should r gard the ceremony of betrothal as cancelled without ob aining the consent of the father of the bridegroom the former shall have to pay the latter double the amount received by him on this account.

5 If the father of the bridegroom wish for any rea on to cancel the betrothal he shall only claim the amount paid by him to the bride s father

6 For the purposes of mosur expenses the zemindars in the Merwara District have been clas ed as under and the amount shown agains each clas hall represent the h ghest limit to which they can spend at the mosur c remonies—

(a)—Class I representing those whose annual income is Rs 1 500 and above shall not spend over	Rs 900
(b)—Class II whose annual income exceeds Rs. 800 but does not exceed Rs. 1 500 shall not spend over	500
(c)—Class III whose annual income exceeds Rs. 300 but does not exceed Rs. 800 shall not spend over	„ 200
(d)—Class IV whose annual income exceeds Rs. 100 but does not exceed Rs. 300 shall not spend over	100

N.B—The aforesaid limits shall in no case be exceeded should however any one wi h to spend less he shall be at liberty to do so

7 The coin mentioned above shall be deemed to be the coin of Chitore currency

8 The Tehsildar of the Pergunnah in which the zemindar intending to perform the mosur ceremony resides shall decide as to what class the man belongs and his decision in this respect shall be final

9 In case of infringement of any of the above conditions the village punches shall punish the person responsible for the same with fine and in case of his disobedience may turn him out of the caste The amount of fine shall be fixed by the punches and when realised shall be credited to the punchait fund of the village in which the person fined lives

DATED AJMERE (Sd) J BIDDULPH COL

The 4th July 1891 *Commissioner Ajmere Merwara*

Half-yearly return of Marriages and Mosurs amongst the Zemindars in the Merwara District.

Serial No.	Name of person performing the ceremony	Father's name	Caste	Class to which the person belongs	Nature of ceremony	Amount spent	Remarks as to cases (if any) in which deviations from the rules have occurred, detailing the actions taken by the punches in the matter
1	2	3	4	5	6	7	8

DATED

The ______ 18 .

Asstt. Commissioner, Merwara.

MEASURES OF LENGTH ACT.

[1] NOTIFICATION No 101

Dated 29th January 1890

Under the provisions of the Measures of Length Act II of 1889, the Chief Commissioner of Ajmere Merwara is pleased to direct that the public servants mentioned in the Schedule hereto annexed, who have been supplied with certified measures under the said Act, shall have charge of the said measures for the purposes of the said Act.

THE SCHEDULE

1 The Contonment Magistrate of Nusseerabad
2 The Deputy Magistrate of Kekri
3 The Tehsildar of Ajmere
4 The Tehsildar of Beawar

[1] The Gazette of India, February 8, 1890, Part II, Page 68

MEMORIALS

RULES FOR THE SUBMISSION, RECEIPT AND TRANSMISSION OF MEMORIALS AND OTHER PAPERS OF THE SAME CLASS ADDRESSED TO HER MAJESTY THE QUEEN EMPRESS OF INDIA OR TO THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA BY PRIVATE PERSONS OR BY OFFICERS OF ALL CIVIL DEPARTMENTS.

N B—These rules do not in any way affect or supersede orders issued on the same subject by the military authorities for the guidance of the Army

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(*Notifications by the Government of India in the Home Department (Public) No 707, dated 29th March 1878 No 972 dated 24th May 1878 No 208 dated 30th January 1879, No 2112 dated 7th November 1879, No 445 dated 18th March 1881 No 1273, dated the 17th July 1885 and No 2061 dated 30th October 1889*)

I.—No memorial will be received or attended to unless forwarded as hereinafter prescribed

II.—Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed

III.—Every memorial addressed to Her Majesty or to the Secretary of State for India should be forwarded through the Local Government under which the writer is residing or is employed.

IV.—Memorials to Her Majesty or to the Secretary of State from persons in the Madras and Bombay Presidencies should be forwarded direct by the Local Government, with a full statement of facts and an expression of opinion, except in the case of memorials which relate to any rule or standing order of the Government of India, or which, if granted, would cause expenditure for which the Imperial and not the Local Government would be primarly responsible, or which relate to any legislative proceeding of the Governor-General in Council, or to an Act to which the Governor-General has assented, or which relate to a case which has been previously under consideration of the Government of India, whether on appeal or otherwise. Such memorials should be forwarded with a covering letter containing a full statement of

facts and an expression of opinion to the Government of India in the Department having cognizance of the subject matter of such memorial, by which Department the memorials will be transmitted to the Secretary of State *

V —Memorials to Her Majesty or to the Secretary of State from persons in Bengal, the North-Western Provinces and Oudh, or the Punjab should be forwarded by the Local Government, with a full statement of facts and an expression of opinion to the Government of India in the proper department, for transmission to the authority addressed †

VI —Memorials to Her Majesty or to the Secretary of State from persons in the minor Administrations—the Central Provinces, Burma, Berar, Mysore, Coorg, and Assam—should be forwarded, with a full statement of facts and an expression of opinion, by the Chief Commissioner, or other officer charged with the administration of the Province, to the Government of India in the proper department for transmission to the authority addressed ‡

VII —No limit is fixed to the time within which an appeal from an order of the Governments in India must be preferred to the Home Government, except in the case of appeals from a judicial decision in which the Judge is a political officer and in which the appeal ordinarily lies to Government in the Political Department Such appeals must be preferred within a period of twelve months from the date of communication to the persons concerned of the order to which objection is taken

VIII —Memorials may be transmitted either in manuscript or in print, but must with all acompanying documents be properly authenticated by the signature of the memorialist on each sheet

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† Appeals by private persons from the orders of Lieutenant Governors lie in the first instance to the Governor General in Council An appeal to the Secretary of State will lie only in the event of an appeal to the Governor General in Council having been rejected

‡ In these minor Administrations also appeals by individuals from the order of the Chief Commissioners &c lie in the first instance, to the Governor General in Council and thereafter to the Secretary of State

Miscellaneous]

Memorials

IX.—Memorials together with their accompanying documents should be in English.* If the accompanying documents must necessarily be forwarded in the Vernacular, an English translation should be appended which should be attested by the signature of the memorialist.

N B—It will be well for the transmitting office to examine such translations and if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

X.—It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India if necessary for record.

XI.—As a general rule the transmission to England of a memorial duly forwarded through the proper channel will not be delayed by the transmitting Government in India beyond a month after the receipt of such memorial.

XII.—Governments and Administrations in India are vested with discretionary power to withhold the transmission of memorials addressed to Her Majesty or to the Secretary of State in the following cases:—

(1) When a memorial is illegible or unintelligible.

(2) When a memorial contains disrespectful or improper language.

(3) When a second memorial is presented after a decision has already been given by the authority to which it is addressed and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to Her Majesty by a person whose appeal to the Secretary of State has already been rejected shall be held to be a second memorial to the same authority, and shall not be transmitted

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* As it frequently happens that the disposal of vernacular petitions presented to the

(4) When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim

(5) When a memorial is an application for employment under one of the Governments in India from a person not belonging to the Covenanted Service

(6) When a memorial is a mere appeal from a judicial decision

(7) When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension

(8)* When a memorial is an appeal against an order of a Local Government regarding the dismissal removal reduction or other punishment of a Government servant whose salary was not more than Rs 100 a month, or when it is an appeal against similar orders of a Local Government confirmed by the Government of India from a Government servant whose salary was not more than Rs 250 a month

(9) When a memorial is a mere appeal against the non exercise by one of the Governments or Administrations in India of a dispensatory discretion vested in such Government or Administration by law or rule

XIII—The Government of India may withhold the transmission of a memorial addressed to Her Majesty or to the Secretary of State unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject

XIV—A list of memorials withheld under the discretionary power conferred by Rule XII will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments under the same discretionary power and by the Government of India in the department concerned to the Secretary of State

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consideration of the facts in each case Having regard to the constitution and character of the Indian subordinate services dismissals of Government officials often involve serious distress if

orders
ch the
artment

	3 Nawab of Boraj &c	Nawab Sahib mehrban (*name of addressee*) sallamahullah taala Bad shauk mulakat wazih bad	
	4 * Gangwana	Raja Sahib hisyar mehrban Raja (*name of Jagirdar*) salamat *Bad shauk mulakat wazih bad*	* do o.
	5 Dodiyana	Mushfik mehrban Mir Inayatullah Shah Jagirdar Dodiyana Salamat Bad Shauk mulakat wazih bad *To be addressed by* Kaifiyat	
	6 Jharwasa 7 Mangalyawas	Siddhi Sri Mangalyawas men Joshi (*name of addressee*) ji jog (*Ajmere or other place*) se Raj Sri (*name of writer*) Bahadur likhtun ken banchna Apranch	
	8 Nandla	*To be addressed by* Kaifiyat	
	9 Morajhari { Muhammad Husain Zahurul Husain	Sharafat o najabat panah (*name of addressee*) ba afiyat bashand	
	10 Dilwara (Mir Imam Ali) ..	} Mushfik mehrban Mir Imam Ali salamat	
VII	11 Honorary Magistrates		The official communication is made by copy of rubkar or order
	Mutawallis		
VIII	Mutawalli Dargah Khwaja Sahib Mutawalli Dargah Miran Sahib ...	Mutawalli Sahib mehrban i dostan sallamahu Bad shauk mulakat wazih bad To be addressed by Kaifiyat	
	Muafidars		
IX	Abdul wahab, son of Mir Chishti Bakhsh	Ditto	
	Shafi Muhammad, son of Shaikh Chishti Bakhsh	Maslihhat maab (*name of addressee*) ba afiyat bashand	
	Seths		
X	Seth Radhakishan Gobinddas of Muttra .	Seth Sahib mehrban i mushfik (*name of addressee*) Salla mahullahu taala Bad ishtiyak mulakat kasir ul musarrat mashhud khatir i muhabbat muassir bad	
	Rai Bahadur Seth Mulchand Soni Rai Bahadur Seth Samir Mal Rai Seth Chand Mal R. B Seth Subhag Mal Dhadda	} Seth Sahib mehrban salamat Bad shauk mulakat anki	
	Those entitled to a chair not specified above ..	Sharafat o najabat panah ba afiyat bashand	

Normal School at Ajmere

RULLS FOR THE WORKING OF THE NORMAL SCHOOL AT AJMERE

(*Sanctioned in Chief Commissioner's Letter No* 382 *dated* 12*th April* 1894)

1 For the present and until further orders the number of stipendiary pupils studying simultaneously in the Male Normal School shall not exceed twelve They shall be divided into two classes the 1st and 2nd class

2 Any applicant who is likely to prove an efficient Village School Master and to be qualified for employment as Naib or Master within two years shall be eligible for admission into the school Preference will however be given to candidates from the local village schools in the district The selection will rest with the Inspector of Schools

3 The ordinary course of study in the Normal School shall continue for a period of two years During the first year the students will as a rule be in the second or lower class At the expiration of that time they will if qualified be promoted into the higher class The promotions will be determined by the Inspector of Schools

4 The standard up to which the pupils will be educated to enable them to obtain a pass certificate at the end of their attendance at the school shall be not lower than that fixed for the middle class vernacular examination in North Western Provinces and Oudh

5 A monthly stipend of Rs 5 will be allowed to each pupil during his attendance at the school

6 When a candidate joins the school his father or guardians or the candidate himself if above 18 years of age shall enter into an agreement to refund all that he may receive by way of stipend if he does not satisfy the test within two years from the date of his admission, or if having been passed as qualified he fails through any circumstances within his own control to serve Government for a period of at least two years after leaving the school.

7 In no case, unless specially permitted by the Director of Public Instruction, can a candidate draw his stipend for more than two years Immediate employment will be found for all passed candidates as far as vacancies allow But in the event of no appointment being vacant at the time it is required, the candidate will be expected to support himself until he can be provided with a post as Naib or Master

8 Should a candidate, who has been appointed Naib or Master fail to give satisfaction in that capacity, he will be liable to be recalled to the Normal School on a reduced stipend for such time as the Inspector of Schools may think necessary

A H T MARTINDALE,
Dated 17th April 1894 *Officiating Commissioner and Director of Public Instruction*

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[a] No 24 *dated the 10th January* 1883

It is hereby notified for general information that on and after the 1st January 1884 approved and branded Mares only will be served by Government Stallions in the Ajmere Merwara District

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[a] See Gazette of India for 1883 Part II, Page 85

NEGOTIABLE INSTRUMENTS

[1] NOTIFICATION

No 1433 —*The 30th September* 1886

In exercise of the power conferred by section 139 of Act XXVI of 1881 (The Negotiable Instruments Act, 1881 as amended by Act II of 1885), the Governor General in Council is pleased to make the following Rules for the guidance and control of Notaries Public appointed under that Act, and *fixing the fees payable to those Notaries* —

1 Notaries Public shall, in transacting business under the Act, use the forms set forth in the Appendix to this Notification

2 Besides recording declarations of payment for honour (section 113), Notaries Public shall, following the practice existing in the Presidency towns, also register notings and protests made by them No particular form of register is necessary for these purposes, but Notaries Public shall keep a substantial blank book in which to enter copies of all the letters which they may write presenting bills for acceptance or payment or better security, of all bills* noted or protested, or paid for honour together with all endorsements thereon (including that made by themselves, to the effect that the bill has been noted or protested for non acceptance or non-payment or want of better security), and of all protests made by themselves and of all declarations made by payers for honour Notaries Public shall further, after examination of each entry in the book, affix their signature thereto, and where demand of acceptance or payment or better security was made by a clerk, shall cause to affix his signature also to the entry relating to the demand

3 The book shall be known as the Notarial Register, and the pages thereof shall be numbered consecutively

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[1] The Gazette of India, October 2nd 1886 Part I, Page 518

* In cases where the language of the bill is unknown to the Notary Public and where it is impossible to find any one acquainted with the language of the bill to copy it into the register, an entry in Register of an abstract of bill will be sufficient

4 Every Notary Public shall permit the District Judge or such officer as the Local Government from time to time appoints in this behalf to inspect his register at such times not oftener than twice a year as the District Judge or officer may fix

5 When the original instrument is in an Oriental language any noting or protest or entry in his register which has to be made in respect of the instrument by a Notary Public may be made either in that language or in English

6 In making presentments of bills or notes Notaries Public shall observe the provisions of Chapter V of the Act

Provided that it shall not be necessary for a Notary Public to allow the drawee of a bill of exchange time for deliberation as provided by section 63

7 Every Notary Public shall use a plain circular seal bearing if he has been appointed by name his name and the name of the local area within which he has been appointed to exercise his functions and the circumscription Notary Public and if he has been appointed by virtue of his office the name of his office and of the local area within which he has been appointed to exercise his functions and the circumscription Notary Public.

8 Every Notary Public shall have an office at such place within the local area for which he has been appointed as may be approved in this behalf by the District Judge

9 Notaries Public shall charge fees at the rates mentioned below namely

(1) For noting an instrument—

				Rs	Rs
If the amount of the instrument does not exceed				1 000	2
If it exceeds	Rs	1 000	but does not exceed	5 000	3
Do		5 000	do	20 000	5
Do		20 000	do	30 000	6
Do		30 000	do	50 000	7
Do		50 000			8

(2) For protesting an instrument—

						Rs	Rs.
If the amount of the instrument does not exceed					...	1,000	6
If it exceeds ..	Rs	1,000	but does not exceed		...	5,000	7
Do	"	5,000	do		..	20 000	10
Do	"	20,000	do.		.	30,000	11
Do	"	30,000	do		...	40,000	12
Do	"	40,000	do		..	50,000	13
Do	"	50,000	do		.	60,000	14
Do	"	60 000	do			70,000	15
Do	"	70,000	do			80 000	16
Do	"	80,000	do			90,000	17
Do	"	90,000	do.		..	1,00,000	18
Do	"	1,00,000				.	22

(3) For recording a declaration of payment for honour, Rs. 2 8

(4) Duplicate protests—half the charge for the original

Note —In addition to the above fees, travelling allowance, at the rate of three annas a mile by rail and eight annas a mile by road, may be charged when the Notary Public is required *to attend at any place more than one mile form his office*

10 These Rules shall come into force on the first day of January 1887.

APPENDIX.

I.

Form of Noting

(See Section 99)

(To be made upon the instrument or upon a paper attached thereto, or partly upon each)

Reference to page in Notorial Register

Date of presentment and dishonour

Reason if any assigned for dishonour (or, if the instrument has not been expressly dishonoured, reason why holder treats it as dishonoured)

Date of note

(Sd) A B

Notary's charges

Notary Public

II

Form of Protest of Bill of Exchange for Non Acceptance

(See Section 101)

On the day of 18 , I, A B, a Notary Public appointed under the Negotiable Instrument Act 1881, of in *(here state the local area for which the Notary Public has been appointed)* in British India, at the request of C D of did, at *(in person)* *(by my clerk)* *(by registered letter)*, cause due and customary presentment to be made to, and did demand acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed) *from* E F, the person upon whom the said bill is drawn, to which demand he made answer *(state terms of answer, if any)* (or "to which demand he gave no answer'), wherefore I, the said Notary at

the request aforesaid by this writing do, in the presence of M N, and O P witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange re exchange and all costs damages, and interest present and to come for want of acceptance of the said bill

Which I attest

(Sd) A B,

Notary Public

M N }
O P } *Witnesses*

NOTE —When, after a bill is protested and before the protest is drawn up it is accepted for honour the protest should further state the name of the person by whom and of the person for whom, and the manner in which such acceptance was offered and effected

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III

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON ACCEPTANCE WHEN THE DRAWEE CANNOT BE FOUND

(See Section 101)

(*a*) *Where search was made by Notary Public in person or by his clerk*

On the day of 18 , I, A B a Notary Public appointed under the Negotiable Instruments Act 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C D of did (*in person*) (*by my clerk*) make due search at for E F, in order to present to and demand from, him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") which is drawn upon the said E F, but was unable to find him, wherefore I, the said Notary, at the request aforesaid by this writing, do, in the presence of M N and O P, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs damages, and interest present and to come for want of acceptance of the said bill.

(*b*) *Where registered letter was sent to the drawee*

On the day of 18 , I, A B, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C D of , did send by post a registered letter addressed to E F at , wherein I enclosed and demanded from him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") which is drawn upon the said E F, but the letter was returned undelivered, because the said E F could not be found, wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M N and O P, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill

Which I attest

(Sd) A B,

Notary Public

M N } *Witnesses*
O P }

NOTE—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which such acceptance was offered and effected

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IV

FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT

(See Section 101)

On the day of 18 , I, A B, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C D of , did cause due and customary presentment to be made at (*in person*) (*by my clerk*) (*by registered letter*) to and did demand payment of the promissory note (or bill of

exchange, *as the case may be*) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") from E F the maker of the said promissory note (or drawee, or acceptor of the said bill of exchange, *as the case may be*) to which demand he made answer, (*state the terms of his answer if any*) or ("to which demand he gave no answer"), wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M N and O P, witnesses, protest against the maker of the said promissory note (*or* the drawer of the said bill of exchange *as the case may be*) and all other parties thereto, and all others concerned for all exchange, re exchange and all costs, damages, and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*)

Which I attest

(Sd) A B,

Notary Public

M N }
O P } *Witnesses*

NOTE —When after a bill is protested and before the protest is drawn up, it is paid for honour the protest should further state the name of the person by whom and of the person for whom and the manner in which such payment was offered and effected

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V

PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON PAYMENT WHEN THE THE MAKER, DRAWEE, OR ACCEPTOR (AS THE CASE MAY BE) CANNOT BE FOUND

(See Section 101)

(*a*)—*Where search was made by Notary Public in person or by his clerk*

On the day of 18 , I, A B, a Notary Public appointed under the Negotiable Instruments Act 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C D of , (did *in person*) (*by my clerk*) make due search at for E F, the maker (or drawee, or acceptor, *as the case may be*) in order to present to and demand from him payment of the promissory note (or "bill of exchange, *as the case may be*) hereto annexed (or "a

literal transcript whereof and of everything written or printed thereupon is hereto annexed), but was unable the find him, wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M N and O P, witnesses, protest against the maker of the said promissory note (*or* drawer of said bill of exchange, *as the case may be*) and all other parties thereto and all others concerned for all exchange, re exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (*or* bill of exchange *as the case may be)*

(*b*)—*Where registered letter was sent to the maker, drawee or acceptor*

On the day of 18 , I A B a Notary Public appointed under the Negotiable Instruments Act 1881 of in *(here state the local area for which the Notary Public has been appointed)* in British India, at the request of C D of , did send by post a registered letter addressed to E F at , the maker (*or* drawee, or acceptor *as the case may be*) wherein I enclosed and demanded from him payment of the promissory note (or bill of exchange *as the case may be*) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed) but the letter was returned undelivered because the said E F could not be found, wherefore I, the said Notary at the request aforesaid, by this writing, do, in the presence of M N and O P, witnesses, protest against the maker of the said promissory note (*or* the drawer of the said bill of exchange *as the case may be*) and all other parties thereto and all others concerned for all exchange, re exchange, and all costs, damages and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*)

Which I attest

(Sd) A B,

Notary Public

M N
O P } *Witnesses*

NOTE —When after a bill is protested and before the protest is drawn up it is paid for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which such payment was offered and effected

VI.

Form of Protest of Bill of Exchange for Better Security.

(See Section 101.)

On the day of 18 , I, A.B., a Notary Public appointed under the Negotiable Instruments Act 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India at the request of C. D of , did (*in person*) (*by my clerk*) make due search at for E F in order to exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") to E. F., the person on whom the said bill is drawn and whose acceptance appears thereon and did demand better security for the payment thereof when the same should become payable in consequence of the said E. F having become insolvent (or "his credit having been publicly impeached" *as the case may be*), to which demand he made answer (or "to which demand he gave no answer"), wherefore I the said Notary at the request aforesaid, by this writing do in the presence of M N and O P witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange re-exchange, and all costs, damages and interest present and to come, for want of better security for the payment of the said bill when due and payable.

Which I attest

(Sd.) A. B.,

Notary Public.

M N }
O P } *Witnesses*

Note.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which such acceptance was offered and effected

VII

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY WHEN THE ACCEPTOR CANNOT BE FOUND

(See Section 101)

(*a*) *Where search was made by Notary Public in person or by his clerk*

On the day of 18 I A B a Notary Public appointed under the Negotiable Instruments Act 1881 of in (*here state the local area for which the Notary Public has been appointed*) in British India at the request of C D of did (*in person*) (*by my clerk*) make due search at for E F in order to exhibit the bill of exchange hereto annexed (or a literal transcript whereof and of everything written or printed thereupon is hereto annexed) to the said E F, the person on whom the said bill is drawn and whose acceptance appears thereon and demand better security for the payment thereof when the same should become payable in consequence of his having become insolvent (*or* his credit having been publicly impeached *as the case may be*) but was unable to find him, wherefore I the said Notary at the request aforesaid by this writing do in the presence of M N and O P witnesses protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all concerned for all exchange re exchange and all costs damages and interest present and to come for want of better security for the payment of the said bill when due and payable

(*b*) *Where registered letter was sent to the acceptor*

On the day of 18 I A B a Notary Public appointed under the Negotiable Instruments Act 1881 of in (*here state the local area for which the Notary Public has been appointed*) in British India at the request of C D of did send by post a registered letter addressed to E F at wherein I enclosed the bill of exchange hereto annexed (*or* a literal transcript whereof and of everything written or printed thereupon is hereto annexed) and did by such letter demand from the said E F the person on whom the said bill is drawn and whose acceptance appears thereon better security for the payment thereof when the same should become payable in consequence of his having become

insolvent (*or* " his credit having been publicly impeached," *as the case may be*), but the said letter was returned undelivered because the said E F could not be found, wherefore I, the said Notary, at the request aforesaid, by this writing, do in the presence of M N and O P, witnesses, pretest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned, for all exchange, re exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable

Which I attest

(Sd) A B

Notary Public

M N }
O P } *Witnesses*

NOTE —When, after a bill is protested and before the protest is drawn up, it is accepted for honor, the protest should further state the name of the person by whom and of the person for whom, and the manner in which such acceptance was offered and effected

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VIII

FORM OF NOTICE OF PROTEST TO DRAWER TO BE GIVEN BY A NOTARY PUBLIC

(See Section 102)

Take notice that a bill of exchange for (*here state the amount*) drawn by you under date the on and payable at has been dishonoured by non acceptance (*or* non payment, *as the case may be*) and protested, and that you will be held liable thereon.

(Sd) A B

Notary Public

IX

FORM OF NOTICE OF PROTEST TO INDORSER TO BE GIVEN BY A NOTARY PUBLIC

(See Section 102)

Take notice that a bill of exchange for (*here state the amount*) drawn by under date the on and payable at and bearing your endorsement has been dishonoured by non acceptance (*or* non payment *as the case may be*) and protested and that you will be held liable thereon

(Sd) A B

Notary Public

X

FORM OF NOTARIAL ACT OF DECLARATION HAVING BEEN MADE BY A PAYER FOR HONOUR

(See Section 113)

On the day of 18 , I A B a Notary Public appointed under the Indian Negotiable Instruments Act 1881 of in (*here state the local area for which the Notary Public has been appointed*) in British India do hereby certify that the bill of exchange hereto annexed (*or* a literal transcript whereof and of everything written or printed there upon is hereto annexed) (now protested for non payment) was this day exhibited to Y Z of in the Presidency/Province of in British India (*or* to his agent in this behalf *as the case may be*) who declared before me that he the said Y Z would pay the amount of the said bill under protest for the honour of (*here insert the name of the party for whose honour the payment is to be made*) holding the said (*here insert the name of the party for whose honour the payment is to be made*) and the drawer and all other proper persons responsible to him the said Y Z for the amount of the said bill and for all proper costs interest damages and expenses I have therefore in the presence of M N and O P witnesses granted this Notarial Act of honour accordingly

Which I attest

(Sd) A. B

Notary Public

M N }
O P } *Witnesses*

OFFICE ORDERS

EMPLOYMENT OF APPRENTICES IN THE COURTS AND OFFICES OF AJMERE MERWARA

As the instructions issued in 1885 with regard to the employment of apprentices in public offices of the Civil Administration appear to have been lost sight of or misapprehended the following revised rules are hereby issued —

1 No person shall be appointed an apprentice, except with the special sanction of the Commissioner, whose age exceeds twenty years

2 If on the expiry of five years an apprentice has failed to obtain a paid appointment he shall not be retained in the office in any capacity

3 Every apprentice shall be appointed by the head of the office The principal clerk who is responsible for the correct and honest working of the office should be consulted as to the merits and character of each candidate

4 No apprentice shall have any right to succeed to any vacancy temporary or permanent that may occur in the office, but he shall be entitled to have his claims considered for any such vacancy

5 A register shall be kept in the Commissioners office showing the following particulars —

(*a*) Name of apprentice
(*b*) Date of appointment
(*c*) In what office employed
(*d*) Remarks

6 The number of apprentices to be entertained in each office is noted in the margin * and must not be exceeded without the previous sanction of the Commissioner

Commissioner s office	2
Asstt Commr , Ajmere s Office	3
Asstt Commr , Merwara s Office	1
Judl. Asstt. Commissioner	1
Extra Asstt. Commissioner	1
Cantt Magte., Nasirabad	1
Deputy Magistrate, Kekri	1
Tehsil Ajmere	1
Honry Magistrate, Masuda	1

7 The nomination of apprentices in each case shall be reported to the Commissioner for sanction with the requisite particulars for filling up the register prescribed by rule 5 and no person shall be nominated as an apprentice who has not passed some recognised educational test, not inferior to the middle Anglo-Vernacular Examination, except under special circumstances which will be reported to the Commissioner for orders

8 Heads of offices shall be responsible that apprentices are of respectable family, and are generally eligible for employment in Government service

9 Heads of offices shall ascertain and satisfy themselves that apprentices have sufficient private means to maintain themselves during the term of their probation

10 Each apprentice shall have his place and duty distinctly assigned to him in the office, and shall work under some recognized superior employé

11 The punctual attendance at office of apprentices shall be insisted on

12 It shall be clearly laid down that the entertainment of apprentices in no way affects the responsibility of paid officials

AJMERE, *The——March* 1890 — G H TREVOR COL, *Commissioner, Ajmere Merwara*

CONTRACTION OF DEBTS

Circular to Heads of Offices

The accompanying Resolution of the Government of India is forwarded to all heads of offices serving under the Civil Administration in Ajmere and Merwara for information and guidance, and communication to employés under their orders, with an intimation that the Chief Commissioner has been pleased to appoint the Commissioner of those districts to be the authority to which the Schedule of debts and report thereon referred to in the Resolution should be submitted

AJMERE, *30th November* 1889 — G H TREVOR, *Commissioner, Ajmere-Merwara*

Office Orders

No 1-- 92

Extract from the Proceedings of the Government of India in the Home Department (Public) under date Simla the 8th October 1889

READ again

Home Department Resolution No 2 77 to 102 (Public) dated 19th January 1884

RESOLUTION

In the Resolution of January 1884 cited in the preamble the Governor General in Council invited the attention of all Local Governments and Heads of Departments to the imperative duty which devolves on them of taking severe notice of the conduct of clerks and other employés who allow themselves to fall into embarrassed circumstances and it was pointed out that assistants in Government offices should clearly understand that if they voluntarily contract debts or obligations which they are unable to meet they render themselves liable to summary dismissal

2 His Excellency in Council has reason to fear that the tenor of these orders has not always been properly understood and desires to supplement them by more definite instructions as to what constitutes such a state of indebtedness as to render it undesirable that a person should be retained in the public service The Governor General in Council accordingly directs that where half the salary of a Government official is constantly being attached for debt or has been continuously under attachment for more than two years or is attached for a sum which under ordinary circumstances it will require more than two years to repay a full schedule of the officers debts should be obtained by the head of the office and the case dealt with in the same way as if the debtor had taken advantage of the insolvency court In such cases it should be specially ascertained—

(1) What is the proportion of the debts to the salary and the extent to which they detract from the debtors efficiency as a public servant,

(2) Whether the debtors position is irretrievable,

(3) Whether it is desirable under the circumstances to retain him—

(a) In the particular post he occupies or

(b) In any position under Government

It will be for Local Governments and the different Departments under the Government of India to issue subsidiary directions to officers subordinate to them as to the authority to which the schedule of debts and the report on it should be submitted for orders

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LANDED PROPERTY

(1) *Rules Prohibiting Government servants from having interest in landed property within the limits of the District in which they serve and forbidding Girdawars and Patwaris from lending to and borrowing money from any person having a direct interest in landed property situated within their circles*

The following rules adopted from those in force in the North West Provinces are under orders from the Chief Commissioner laid down for the information and guidance of all persons serving under the Civil Administration of Ajmere Merwara —

1 Purchase or the acquisition in any other manner than by inheritance by any person holding a Judicial post or an executive or ministerial office in or the Judicial or in the Revenue Departments in Ajmere Merwara of landed property or of any interest in lands within limits of the district in which he serves will subject the person making such purchase or acquisition to dismissal

2 An immediate report must be made of the acquisition by such persons of any property or interest in land by inheritance for the orders of the Commissioner through the head of the Department in which they are employed

3 The above rule does not apply to ground purchased or acquired for the purposes of residence and of gardening or other recreations. All such cases are however to be also immediately reported for the information of the Commissioner

(1) Sanctioned by the Chief Commissioner in his letter No 131 dated 6th February 1890

Miscellaneous]

Office Orders

4 It must be understood that tho e servants of Government who hold under false names or in the names of their wives and children relatives or servants property which actually is *their own offend against the rule* laid down with the additional aggravation of attempting to deceive their employers

5 The tenure of any land whether within or without rights of occupancy as well as the proprietory right in any land or share whether within his circle or without it shall be notified by every Putwari through his supervisor for the information of the Collector and may be made a reason for his dismissal if the Collector considers that he is thereby prejudiced in the proper performance of his duties

6 No Girdawar or Putwari shall lend money to or borrow money from any person having a direct interest in landed property situated within his circle nor shall he lend to or borrow from any such person any grain or other *agricultural produce or have any other commercial dealings with such persons*

(a) Obtaining for his own use on credit or otherwise articles supplied by merchants residing or having interests within his circle is not borrowing or dealing within the meaning of this order

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OFFICE LIBRARIES

Rules regarding the control of Libraries attached to various Offices of Government in the District of Ajmere and Merwara (sanctioned in the Government of India Home Department Letter No 96 dated 28th April 1877, to the Chief Commissioner Ajmere.)

THE books in each Office must be collected together in one place under the charge of the Head Clerk If practicable, a separate room should be assigned to *them*

(2) A revised Catalogue must be prepared from time to time and missing books accounted for

(3) No books must be removed from the Library without the permission of the Head of the Office

(4) A receipt must be invariably taken from an Officer removing a book to be returned to him or cancelled when the book is returned to the Library

(5) Every Officer upon receiving charge of an Office to which a Library is attached must satisfy himself as to the state of the Library Unless he then reports that the books are out of order or that any volumes are missing it will be assumed that he received the Library in good order and he will be thenceforward personally responsible for any defects

(6) The state of the Library is to be mentioned in the Annual Report

(7) The volumes of the Boards Circular Orders and of the select High Court Rulings supplied for the use of each Revenue Court and Office are to be entered in the Library Catalogue and not carried away from the district upon the transfer of an officer unless (in the case of a Deputy Collector) he is not to be replaced and is going to take charge of a new office and not in succession to another officer The accumulated monthly issues of an incomplete volume are to be counted as one volume only

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PRODUCTION OF MEDICAL CERTIFICATE

No 2215G dated 11th June 1894

To the Civil Surgeon

Sir

With reference to the correspondence ending with your letter No 325 dated 15th May 1894 I have the honor to state that orders have now been issued to the effect that no excuse of absence on the ground of ill health will be accepted from any member of a Government Office Establishment in Ajmere or Merwara unless the applicant produces a Medical Certificate signed by the Civil Surgeon of Ajmere so far as the Ajmere District is concerned or the Assistant Surgeon of Beawar for the Merwara District

2 Absence without the production of Medical Certificate will entail forfeiture of pay for the whole period during which the absentee fails to attend office

3. The fee to be charged for the grant of a certificate has been fixed at two annas for each five rupees or fraction of five rupees of the applicant's pay. A certificate will rarely if ever be required more than once a year on an average, so the rate cannot be regarded as unduly high. But special cases can be submitted for the orders of the Commissioner if the exaction of the fee is likely to cause real hardship.

4. To ensure the correct amount of the fee in cases in which the Medical Officers concerned may be in doubt as to the pay of the applicant, the amount charged should be noted upon the certificate itself.

5. These rules will have effect from the fifteenth of June 1894.

(Sd.) A. H. T. MARTINDALE,
Commissioner.

PURCHASE AND CONSUMPTION OF STATIONERY.

Rules regarding the Purchase and Consumption of Stationery to be observed in the Offices of the Ajmere Chief Commissionerate.

(Sanctioned by the Chief Commissioner in his letter No. 480-274, dated 2nd May 1888.)

1. Every officer supplied with Government Stationery shall by order in writing place the Stationery Stores in charge of a responsible clerk who shall keep an account of receipts and issues in the form of account supplied by the Stationery Department, and shall, except in the case of ordinary requisitions, submit all demands for the special orders of the Head of the office and take proper acknowledgments for all quantities issued by him.

2. The Stationery Stores shall be kept under lock and key, the official in charge being personally liable for any loss occurring through his neglect or wilful breach of the rules.

3. The Head of the office shall make a monthly examination of the Stationery accounts and satisfy himself that all Stationery issued is used exclusively for the public service, and that the rules regulating its consumption are strictly adhered to.

4. The Commissioner may from time to time call for and examine the Stationery account kept in offices subordinate to him

5 Immediately after the end of the year the Head of the office shall cause the Stationery accounts to be closed so as to show the consumption *for the preceding 12 months up to the 31st of December and the balances in* hand and may if he thinks necessary send for and examine the vouchers supporting the issues entered in the account.

6 The Head of the office shall also take stock of the Stationery and satisfy himself that it represents correctly the balances struck in the books

7 Indents for Stationery shall be prepared as soon as possible before the 10th day of January and shall be submitted in triplicate to the Commissioner who shall carefully check the quantities indented for with special reference to the actual requirements of the Indenting Officer as established by consumption in his own and kindred offices and shall disallow quantities in excess of the average consumption of the past three years or which appear to him to be unnecessary The indents so passed by the Commissioner shall be submitted in duplicate to the Superintendent of Stationery Calcutta so as to reach him by the 1st day of February

8 On receipt of the supply the Indenting Officer shall endorse his receipt for the same in the copy of the indent forwarded to him by the Stationery Office and submit it to the Commissioner for transmission to the Superintendent of Stationery

8 In preparing indents for Stationery the following points should be very carefully attended to —

(a)—That the figures showing receipts expenditure and balances represent actual facts ascertained from the Stationery Account Book

(b)—That the estimate of probable consumption during January, February and March is made with due regard to economy

(c)—That the estimate of requirements is framed for a period of twelve months commencing from 1st April following the submission of the indent.

(*d*)—That such estimate is based strictly on the quantity consumed during the preceding year after taking into account the stock in hand and in the case of articles regulated by a fixed scale, those in use and serviceable for a period of six months or more

(*e*)—That no demand for durable articles lasting for more than one year is made unless the title to a new supply is established under the fixed scale and the Indenting Officer has ascertained by personal inspection that the renewal of the existing supply has not been necessitated by want of care in its preservation

(*f*)—That the maximum limits prescribed in the scale are not exceeded under any circumstances

(*g*)—That indents for marble paper paste boards and mill boards for binding specify the number of books to be bound

10 It shall be the duty of the Head of the office to enforce the strictest possible economy in the use of Government Stationery Foolscap paper should be used only by the Heads of offices in preparing records of revenue and judicial cases and documents of a permanent character and fair copies of letters and reports For drafting purposes and for bills accounts figured statements &c paper of an inferior kind should be used

11 For all vernacular work country paper only shall be used each office providing itself therewith out of the sanctioned budget allotment Care should be taken in the purchase of country ink twine and other petty stores which are not supplied by the Stationery Office The District Nazir or any other officer specially authorized in this behalf should be held responsible for keeping an account of such purchases and their supply to the Indenting Offices

RULES AS TO STOCK ACCOUNTS.

Circular No 98G of 1887

The following rules for the audit of receipts and issues of stores in the Civil Department have been approved of by the Chief Commissioner and are issued for the information and guidance of the subordinate Offices in Ajmere and Merwara

COMMISSIONER'S OFFICE, AJMERE,	G H TREVOR LT COL,
27th January 1887	*Commissioner, Ajmere Merwara*

In Resolution No 4033, dated the 14th October 1875, of the Government of India in the Finance and Commerce Department, it was ordered that an inventory should be submitted to the Accountant General of all stores in the custody of Civil officers, excepting fixtures, ordinary office furniture such as benches, tables, chairs, racks, almirahs, wooden and tin boxes, and books and articles of petty value, as also stamps opium or other stores supplied for sale, or stores supplied for consumption, that every increase or decrease of any kind of stock other than those specified above should be reported yearly to the Accountant General besides being recorded in the inventory to be kept by the Civil Officer among the records of his office, and that every fifth year a new inventory with full details should be prepared and submitted to the Accountant-General

Officers of Account having reported that these orders though observed to a considerable extent were not fully carried out, and that there was difficulty in carrying them out, the Government of India have, by their Resolution No 2430, dated the 9th August 1886, in the Department of Finance and Commerce, cancelled them and desired the Local Governments and Administrative Officers to issue in consultation with the Comptroller and Auditor-General, such orders as will secure the submission of returns of valuable ordnance and other stores in the Civil Department to the proper Administrative Officers, and the necessary check by such officers

The following rules are accordingly issued for the information and guidance of the Civil Officers in Ajmere and Merwara

Miscellaneous]

Office Orders

I.—A stock book in the subjoined form will be kept by every Civil Officer showing the live stock, European and other stores and movable property in his custody, including iron safes, European locks, European scales and weights, tents, ordnance stores, machines of European manufacture, scientific and mathematical instruments.

Stock Book of the ______________ of ______________ District

Serial Number	Date of receipt	Name of article with description	Number of pieces	Cost	Initials	Date of Disposal	Value realized	Initials	REMARKS

1.—In case of stock on hand at the opening of the original register it is only necessary to give date of receipt for tents and other articles which are renewed after fixed periods.

2.—Of muskets and similar articles large numbers may be received at one time; a column for number has therefore been provided, and if all are not returned into store at once the number returned at each time should be noted in the column of date of disposal.

3.—If the value credited by the Ordnance Department for returned stores be not known to the officer who returned them, the column of value realized will be blank in his register.

4.—In the columns provided for initials the initials of the Head of the office will be set against each entry in the original register; in the copy filed in the Commissioner's Office the entries will be initialled by the clerk responsible for making them.

5—Implements used in a Jail manufactory except such as are of petty value should be duly included in the stock book

Surgical instruments for the audit of which independent arrangement exists need not be included in the stock book

6—Instruments issued by the Mathematical Instrument Department must be brought on the stock book and shown in the returns

II—A copy of the stock book showing the stores in hand on the 31st March next should be submitted in the case of the District Officers to the Commissioner and in the case of the latter officer to the Chief Commissioner and each year a memorandum in the above form showing every increase and decrease will be sent as above noted Every fifth year (1891 1896 &c) a complete return signed by the Head of the office and showing the property as it then stands must be submitted

III—The copy memorandum and return referred to in the last preceding rule shall be accompanied by a certificate from the head of the office that he has satisfied himself of the correctness thereof by personal inspection

The annual memorandum shall be accompanied by a further certificate that the articles mentioned in the previous lists are subject to the changes described in the memorandum actually in the custody of the officer concerned

IV—The Commissioner may satisfy himself or depute any officer subordinate to him to report as to the correctness of the returns

V Another list in the form given under Rule I shall be kept in each office for the articles of office furniture such as benches tables chairs racks, wooden and tin boxes almirahs &c but no copy of it need be sent to the controlling officer Every addition and alteration in the list shall be attested by the signature of the Head of the office who shall once in every year satisfy himself that the articles mentioned in the list are in his office reporting the fact to his immediate superior officer

VI Heads of subordinate offices such as Tahsils &c will submit their statements and returns to their immediate superior officer who will incorporate them in the statement or return of his own office

VII—These rules do not apply to stamps opium and other stores supplied for sale

CIRCULAR

Hitherto it has been the custom for villagers to supply fuel grass and garris to Civil Officers on tour and their camps without charge and as this custom is of such long standing and the villagers apparently do not wish to be paid for these articles and still more because of the difficulties in the way of ensuring that those who supply the labour would receive payment if made I have not thought it expedient to introduce any change But it seems desirable that such supplies should be regulated as far as possible by rule so as to guard against mistake or inconvenience to villagers and therefore I request that the following rules may be observed —

Sanctioned allowance of grass or fodder —

For horses per head	12	seers.
For their bedding per head at each stage	12	
For a pony	10	
For cows per head	15	
For riding camels per head Pala or Pan	15	

(1) In cases where Pala or Pan is not procurable green leaves per head two head loads

(2) In places where grass is stacked from Forest Reserves on passes issued it will be given from the stock Where it is not thus stacked it will be got from the nearest Forest Reserve In other places it will be supplied by the village in which the officer is encamped

II —Of fuel —

For the kitchen of an officer not below the grade of Superintendent of Police three maunds

This allowance should be reduced by the officer if not absolutely required

For Sarishtadar or Munshi including personal servants not exceeding	30 seers
For camp clerk not exceeding	30
For other officials not exceeding	31
For inferior servants &c per head not exceeding	5

N B —Fuel to be supplied from the nearest Forest Reserves when such Reserves are at hand in other cases from the village where the camp is

III.—Of gurras.—

For kitchen of an officer not below the rank of District Superintendent Police, not exceeding	6 gurras
For others per head	1 gurra

IV.—Milk, butter, fowls, eggs sheep, goats and all other articles will be supplied on payment, notice of demand for reasonable quantity being given 22 hours beforehand

The Tehsildar of the Pergunna will fix the prices of the articles under the orders of the Assistant Commissioner of the District

If payment is not made on or before delivery the officer in charge of the camp must see that all accounts are settled daily, and he will be held responsible that this is done

V.—The supplies shall be produced by the Tehsil Chuprasis only when a Tehsil Chuprasi accompanies the camp

11*th March* 1890

(Sd) G H TREVOR, COL,

Commissioner Ajmere Merwara

CIRCULAR No 23 F

Dated Ajmere 8th May 1894

It appears from the correspondence which passed at the time the circular, dated 11th March 1890 was issued for regulating supplies to Civil Officers on tour, that it was intended that the Grass and Fuel mentioned in Rules I and II, when taken from a Forest Reserve, should be issued free of charge to the villagers whose duty it is to supply the Officer's Camp

2 It appears, however, that the villagers frequently are not aware of this privilege, and on more than one occasion lately they have complained of having to pay for the grass and fuel referred to above

3 It should therefore be made generally known that grass and fuel will be supplied free from the nearest Reserve to the villagers on a requisition signed by the officer concerned, the amount entered in the requisition being based on the scale permitted by the Circular of 1890, already cited.

4 Whenever practicable, a copy of the requisition mentioned in Rule 3 signed by the officer concerned should be sent to the Forest Officer, Ajmere, at least 10 days before the commencement of the tour. This will both prevent delay and inconvenience, and will also safeguard the interests of the Forest Department

(Sd) A H T MARTINDALE,
Commissioner, Ajmere Merwara

PARSI MARRIAGES

[1] *No* 1720 *dated the 6th September* 1865

With reference to Section 3 of Act XV of 1865 the following table of the degrees of consanguinity and affinity within which marriage is prohibited among the Parsees is published for general information —

TABLE

A man shall not marry his—

1 Paternal grand fathers mother
2 Paternal grand mothers mother
3 Maternal grand fathers mother
4 Maternal grand mothers mother
5 Paternal grand mother
6 Paternal grand fathers wife
7 Maternal grand mother
8 Maternal grand fathers wife
9 Mother or step mother
10 Fathers sister or step sister
11 Mothers sister or step sister
12 Sister or step sister
13 Brothers daughter or step brothers daughter or any direct lineal descendant of a brother or step brother
14 Sisters daughter or step sisters daughter on any direct lineal descendant of a sister or step sister
15 Daughter or step daughter or any direct lineal descendant of either
16 Sons daughter or step sons daughter or any direct lineal descendant of a son or step son
17 Wife of son or of step son or of any direct lineal descendant of a son or step son
18 Wife of daughters son or of step daughters son or of any direct lineal descendant of a daughter or step daughter
19 Mother of daughters husband

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(1) Vide G of I for 186 page 981

20 Mother of son's wife
21 Mother of wife's paternal grand-father.
22 Mother of wife's paternal grand-mother.
23 Mother of wife's maternal grand-father
24 Mother of wife's maternal grand-mother.
25 Wife's paternal grand mother
26 Wife's maternal grand-mother
27 Wife's mother or step mother
28 Wife's father's sister
29 Wife's mother's sister
30 Father's brother's wife
31 Mother's brother's wife
32 Brother's son's wife
33 Sister's son's wife

A woman shall not marry her—

1 Paternal grand-father's father
2 Paternal grand-mother's father
3 Maternal grand-father's father
4 Maternal grand-mother's father
5 Paternal grand father
6 Paternal grand mother's husband
7 Maternal grand father
8 Maternal grand-mother's husband
9 Father or step father
10 Father's brother or step brother
11 Mother's brother or step-brother
12 Brother or step brother
13 Brother's son or step brother's son, or any direct lineal descendant of a brother or step-brother
14 Sister's son or step sister's son, or any direct lineal descendant of a sister or step-sister
15 Son or step-son, or any direct lineal descendant of either
16 Daughter's son or step-daughter's son, or any direct lineal descendant of a daughter or step-daughter.
17 Husband of daughter, or of step daughter or of any direct lineal descendant of a daughter or step daughter

18 Husband of son's daughter or of step-son's daughter, or of any direct lineal descendant of a son or step-son.

19. Father of daughter's husband

20 Father of son's wife

21. Father of husband's paternal grand-father

22. Father of husband's paternal grand-mother.

23 Father of husband's maternal grand father.

24 Father of husband's maternal grand-mother

25 Husband's paternal grand father

26 Husband's maternal grand-father

27. Husband's father or step father

28 Brother of husband's father

29 Brother of husband's mother

30 Husband's brother's son, or his direct lineal descendant

31. Husband's sister's son, or his direct lineal descendant.

32 Brother's daughter's husband

33 Sister's daughter's husband

NOTE —In the above table the words "brother" and "sister" denote brother and sister of the whole as well as half blood Relationship by step means relationship by marriage

PAPER JUDICIAL

[1] *Chief Commissioner's Notification No 95 313 A dated Abu the 7th February* 1895

The Chief Commissioner of Ajmere Merwara having decided to reduce the price of the paper used for judicial petitions and copies of judicial documents from four pies a sheet to three pies a sheet from the 1st April 1895 is pleased to issue with effect from that date the following Notification in supersession of that dated the 6th May 1881, and published in Part II of the *Gazette of India* dated the 14th May 1881 —

The following rules for regulating the supply by the Stationery Depôt at Calcutta of paper of a standard pattern for judicial petitions and copies of judicial documents the custody and sale of such paper, and the credit of the sale proceeds to Government are issued for information and guidance

2 From the 1st April 1895 no other description of paper shall be used for copies of documents (whether in English or the vernacular) supplied to private parties *by judicial officers and from that date* all licensed petition writers practising in the Courts of the Ajmere and Merwara District will be required to use this paper only

3 In the case of copies supplied on payment of fees, the cost of the paper will be defrayed by the copyist, in the case of copies supplied by Government free of cost, no charge will be made for the paper but the paper used for such copies must be duly accounted for in the annual statement prescribed by Rule VI

4 The Assistant Commissioner Ajmere will carefully supervise the working of the arrangement in order to prevent vendors of the paper demanding more than the fixed price of three pies per sheet —

I Paper required for judicial petitions and copies of judicial documents shall be obtained from the Stationery Depôt at Calcutta by annual indent

II Requisitions for the paper shall be in the form prescribed for indents for Stationery and shall be submitted to the Commissioner of Ajmere by the Assistant Commissioners of

[1] Vide G of I dated the 16th February 1895 P II page 170

Ajmere and Merwara not later than the 15th November in each year The requisition shall provide for the requirements of all the Courts situated in the Ajmere Merwara District, and shall show the amount of paper required for use during the financial year

III. Expenses of carriage will be paid by the indenting officer out of his grant for judicial contingencies

IV The rules which regulate the custody of stamps and stamp paper shall apply, *mutatis mutandis* to the custody of the paper

V The paper shall be sold to *ex-officio* and licensed vendors of stamps at Rs 7 8 0 a ream for cash, for retail to the public at the uniform rate of three pies a sheet Ordinarily not less than a quarter of a ream will be sold to an *ex-officio* or licensed vendor

VI. The receipts from the sale of the paper, calculated at Rs 7 8 0 a ream, will be credited in the Treasury accounts to a distinct sub-head under Stamps' the commission of one anna in the rupee, which shall be allowed to licensed vendors, being debited to the same head At the close of each financial year, a statement of the operations of the year shall be submitted by the Treasury Officer to the Commissioner of Ajmere-Merwara in the annexed form —

Statement showing the receipt and consumption of petition paper during the year , and the financial results of the year.

Amount received	*Rms qrs shts.*	*Annually expended*	*Rms qrs shts*
Paper in store on April 1st		Paper sold during the year .	
Paper received during the year		Paper used for copies supplied free of charge	
		Paper in store on March 31st . .	
Total . .		Total ...	

Paper Judicial.

Receipts	*Rs*	*a*	*p*	*Expenditure.*	*Rs*	*a*	*p*
Paper sold to *ex-officio* and licensed vendors at Rs 7-8-0 a ream				Commission paid to licensed vendors			
				Carriage of paper from Calcutta to the head-quarters of the district ...			
				Other expenses ...			
Total ..				Total ...			

Certified that I have personally satisfied myself that the balance of reams shown above was actually in store on 31st March last, and that Rs being the price of at Rs 7-8-0 a ream, were duly credited in the account of this Treasury during the year

Dated

Treasury Officer.

PAYMENT OF SALARY OF DECEASED OFFICERS TO HIS HEIRS.

DEPARTMENT OF FINANCE AND COMMERCE

[1] NOTIFICATION No 67

Dated Simla, the 16th April 1881

The Governor-General in Council authorises the payment to the heirs of a deceased officer of the salary due to him to the extent of Rs 200 in each case after such enquiry into the rights and title of the claimants as the Collector or other officer responsible for the payment may deem sufficient. Any excess over that amount should be paid only to the person duly authorised to receive assets belonging to the estate of the deceased.

DEPARTMENT OF FINANCE AND COMMERCE

[2] NOTIFICATION No 5750

Dated Simla the 28th October 1887

In modification of the Rule laid down in the Notification of this Department, No 67, dated 16th April 1881, authorising the payment to the heirs of a deceased officer of the salary due to him to the extent of *Rs 200* in each case, after such enquiry into the rights and title of the claimants as the Collector or other officer responsible for the payment may deem sufficient, the Governor General in Council is pleased to direct that the limit of the amount which may be so paid be increased from Rs 200 to Rs. 500 In the event, however, of the existence of any reasonable doubt as to the claim or title of the heirs of the deceased, the payment should be withheld

[1] The Gazette of India, April 16th 1881, Part I page 165

[2] The Gazette of India, November 5th 1887, Part I page 570

PETITIONS TO THE GOVERNMENT OF INDIA.

GOVERNMENT OF INDIA HOME DEPARTMENT, PUBLIC

[1] No 1812 *dated Simla the 11th October* 1889

NOTIFICATION

The following rules regarding the submission of petitions to the Government of India are published for general information —

NOTE 1 —In these rules the words Local Government include a Local Administration, the Commander in Chief in India and a Lieutenant General Commanding the Forces, and also except as regards Rule 3 (7), Section III the head of a Department directly under the Government of India

NOTE 2 These rules do not apply to non pensionable subordinate, clerical and menial establishments employed in the construction and working of State Railways to whom Circular No VI Railway Public Works Department dated 1st June 1888 applies

NOTE 3 —These rules apply so far as may be to all memorials letters and applications, &c, addressed to the Governor General in Council

NOTE 4 —The rules in Sections I and III apply also to petitions by persons no longer in Military employ who have served in the army or the Royal Indian Marine or have been attached to regiments or batteries or to the Staff or Departments of the Army in any capacity

SECTION I

Rules regulating the submission of petitions to the Government of India by private persons or public bodies

1 Every petition to the Government of India whether it bears immediately on a matter of Imperial policy or has reference to the orders or the general policy and action of a Local Government, should be forwarded through the Local Government under which the petitioner is residing or is employed But there is no objection to the petitioners forwarding simultaneously a duplicate copy of the petition to the Government of India, if he so desires provided that he marks it as a duplicate'

Rule 1—A A petition from a person who has been removed from or has left the service of Government relating to his removal from the service, or to claims arising out of his service should be forwarded through the Local Government under which the petitioner was employed

[1] [illegible]

2 A petition may be either in manuscript or print but must, with all accompanying documents be properly authenticated by the signature of the petitioner, or when the petitioners are numerous, by one or more of them, and it must conclude with a specific prayer

3 Every petition should be accompanied by a letter addressed to the Local Government requesting its transmission to the Government of India, and, when any order of a Local Government is appealed against by a copy of such order as well as of any orders passed in the case by subordinate authorities

4 *Communications on matters connected with any Bills before the* Council may be addressed either in the form of a petition to the Governor-General in Council or in a letter to the Secretary in the Legislative Department, and must in either case be sent to the Secretary to the Legislative Department Ordinarily such communications will not be answered Except in the case of the High Court at Fort William such communications from courts, officials or public bodies should be sent through the Local Governments

SECTION II

Special rules regulating the submission of petitions by officers in civil employ

1 Every officer wishing to petition the Government of India should do so separately

2 Every petition should be submitted through the head of the office or department to which the petitioner belongs, and be forwarded by him through the usual official channel But there is no objection to the petitioner transmitting a duplicate to the Government of India direct, provided that he marks it as a ' duplicate '

3 No officer may submit a petition in respect of any matter connected with his official position unless he has some personal interest in such matter

4 No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer still in the public service unless it is submitted by the officer himself

Petitions to the Government of India

SECTION III

Rules for observance by Local Governments in regard to the transmission or withholding of petitions

1 Petitions should be forwarded to the Government of India by the Local Government with a concise statement of material facts and (unless there be special reasons for not doing so) an expression of opinion

If the petition is an appeal against an order of dismissal from Government service, the papers submitted by the Local Government should show whether the charge against the petitioner was reduced to writing, whether his defence was taken and reduced to writing, and whether the decision was in writing

2 When the petition is not in English, the Local Government should transmit a translation with it

3 Local Governments are vested with discretionary power to withhold petitions addressed to the Government of India in the following cases —

(1) When a petition is illegible or unintelligible

(2) When a petition contains language which, in the opinion of the Local Government, is disloyal, disrespectful or improper

(3) When a previous petition has been disposed of by the Secretary of State or the Governor General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case

(4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim

(5) When a petition is an application for employment from a person not in the service of Government

(6) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference

NOTE.—If the Government has reserved any discretion of interference, or is concerned as a party to the suit, or if the appeal is practically an appeal for mercy or pardon the petition must be transmitted But in the last mentioned case the transmission of the petition will not affect the discretion in regard to capital sentences allowed to Local Governments by the Home Department Resolution dated 14th October 1885

(7) When a petition is an appeal against an order of the Local Government upholding on appeal the dismissal, removal, reduction, or other punishment of a Government servant whose salary was not more than Rs 100 a month

(8) When a petition is an appeal against a decision which by any law or rule having the force of law, is declared to be final

(9) When a petition is an appeal in a case for which the law provides a different or specific remedy or in regard to which the time limited by law for appeal has been exceeded

(10) When a petition is an appeal against an order or decision of the Local Government and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay

(11) When a petition is addressed by an officer still in the public service, and has reference to his prospective claim for pension, except as provided in article 995 of the Civil Service Regulations

(12) When a petition is an appeal against the non exercise by the Local Government of a dispensatory discretion vested in it by law or rule

(13) When a petition relates to a subject on which the Local Government is competent to pass orders and no previous application for redress has been made to the Local Government

Home Department Notification No 1790 dated 30th October 1891

4 If a petition is withheld the petitioner should be informed of the fact, and the reason for it

5 A list of petitions withheld under rule 3, with the reasons for withholding them, shall be forwarded quarterly to the Government of India in the Department concerned

C J LYALL

Offg Secretary to the Government of India

SALUTES TO NATIVES CHIEFS AND NOBLES, &c

No 769 I

FROM

THE ASSTT SECRETARY TO THE GOVERNMENT OF INDIA

To

The Chief Secretary to the Government of Fort St George
Bombay
Bengal
The N W P and Oudh
The Punjab
Chief Commissioner of the Central Provinces
Burma
Assam
Ajmere Merwara.
The Resident at Hyderabad
in Mysore
Nepal
Kashmir
Political Resident in the Persian Gulf
Turkish Arabia
Agent to the Governor General in Central India
Rajputana.
Baluchistan
at Baroda.

FORT WILLIAM *the 1st March* 1894

SIR

I am directed to forward for the information of the Government of ——— / your information, a copy of a revised Table of Salutes to Native Chiefs and Nobles of India and to certain Chiefs near Aden as approved by Her Majesty

I have the honour to be
Sir
Your most obedient Servant
W M CUBITT
Asstt Secretary to the Government of India

TABLE OF SALUTES TO NATIVE CHIEFS AND NOBLES OF INDIA AND CERTAIN CHIEFS NEAR ADEN

Salutes of 21 Guns

BARODA The Maharaja (Gaekwar) of—
HYDERABAD The Nizam of—
MYSORE The Maharaja of—

Salutes of 19 Guns

BHOPAL The Begum (or Nawab) of—
GWALIOR The Maharaja (Sindhia) of—
INDORE The Maharaja (Holkar) of—
JAMMU AND KASHMIR The Maharaja of—
KALAT The Khan of—
KOLHAPUR The Raja of—
MEWAR (UDAIPUR) The Maharana of—
TRAVANCORE The Maharaja of—

Salutes of 17 Guns

BAHAWALPUR The Nawab of—
BHARTPUR The Maharaja of—
BIKANIR The Maharaja of—
BUNDI The Maharao Raja of—
COCHIN The Raja of—
JAIPUR The Maharaja of—
KARAULI The Maharaja of—
KOTA The Maharao of—
KUTCH The Rao of—
MARWAR (JODHPUR) The Maharaja of—
PATIALA The Maharaja of—
REWA The Maharaja of—
TONK The Nawab of—

Salutes of 15 Guns

ALWAR The Maharaja of—
BANSWARA The Maharawal of—

Salutes to Native Chiefs and Nobles &c

DATIA The Maharaja of—
DEWAS The Senior Raja of—
DEWAS The Junior Raja of—
DHAR The Raja* of—
DHOLPUR The Maharaj Rana of—
DUNGARPUR The Maharawal of—
IDAR The Maharaja of—
JAISALMIR The Maharawal of—
JHALAWAR The Maharaj Rana of—
KHAIRPUR The Mir of—
KISHANGARH The Maharaja of—
ORCHHA The Maharaja of—
PARTABGARH The Maharawat of—
SIKKIM The Maharaja of—
SIROHI The Maharao of—

Salutes of 13 Guns

BENARES The Raja* of—
JAORA The Nawab of—
KUCH BEHAR The Maharaja of—
RAMPUR The Nawab of—
TIPPERA The Raja* of—

Salutes of 11 Guns

AJAIGARH The Maharaja of—
BAONI The Nawab of—
BHAUNAGAR The Thakur Sahib* of—
BIJAWAR The Maharaja of—
CAMBAY The Nawab of—
CHAMBA The Raja of—
CHARKHARI The Maharaja of—
CHHATARPUR The Raja of—
DHRANGADRA The Raja Sahib of—
FARIDKOT The Raja of—
GONDAL The Thakur Sahib of—

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* The present Chiefs of Dhar Tippera and Bhaunagar and Raja of Benares enjoy the title Maharaja as a personal distinction

JHABUA. The Raja of—
JIND The Raja of—
JUNAGARH The Nawab of—
KAHLUR (BILASPUR) The Raja of—
KAPURTHALA The Raja of—
MANDI The Raja of—
MANIPUR. The Raja of—
MORVI The Thakur Sahib of—
NABHA. The Raja of—
NARSINGARH The Raja of—
NAWANAGAR The Jam of—
PALANPUR The Diwan of—
PANNA The Maharaja of—
PORBANDAR.* The Rana of—
PUDUKOTA The Raja of—
RADHANPUR The Nawab of—
RAJGARH The Raja of—
RAJPIPLA The Raja of—
RATLAM The Raja of—
SAILANA The Raja of—
SAMTHAR The Raja† of—
SIRMUR (NAHAN) The Raja of—
SITAMAU The Raja of—
SUKET The Raja of—
TEHRI (GARHWAL) The Raja of—

Salutes of 9 Guns

ALIRAJPUR The Rana of—
BALASINOR The Nawab (Babi) of—
BANSDA The Maharawal of—
BARAUNDHA The Raja of—
BARIA The Raja of—
BARWANI The Rana of—
CHHOTA UDAIPUR The Raja of—

* The present Chief of Porbandar, Rana Vikramatji is allowed a salute of 11 guns only outside Kathiawar, in British India

† The present Chief of Samthar enjoys the personal title of *Maharaja*

Salutes to Native Chiefs and Nobles, &c

DHARAMPUR. The Maharana of—
DHROL. The Thakur Sahib of—
FADHLI The Sultan of—
JANJIRA The Nawab (Habshi) of—
KAROND (KALAHANDI) The Raja of—
KHILCHIPUR The Rao of—
LAHEJ The Sultan of—
LIMRI The Thakur Sahib of—
LUNAWARA The Rana of—
MAIHAR. The Raja of—
MALER KOTLA The Nawab of—
NAGOD The Raja of—
PALITANA. The Thakur Sahib of—
RAJKOT The Thakur Sahib of—
SACHIN The Nawab of—
SAWANTWARI The Sir Desai of—
SUNTH The Raja of—
WADHWAN The Thakur Sahib of—
WANKANER. The Raja Sahib of—

TABLE OF PERSONAL SALUTES

Salute of 21 Guns

MARWAR (Jodhpur) His Highness Sir Jaswant Singh Bahadur G C S I Maharaja of—

Salutes of 19 Guns

JAIPUR. His Highness Sawai Sir Madho Singh Bahadur G C S I Maharaja of—

KHAIRPUR. His Highness Sir Ali Murad Khan G C I E Mir of—

Salute of 17 Guns

ORCHHA His Highness Mahindar Sawai Sir Partab Singh Bahadur, K C I E. Maharaja of—

Salutes of 15 Guns

BHAUNAGAR His Highness Sir Takhtsinghji Jaswantsinghji G C S I Maharaja of—

DHRANGADHRA His Highness Sir Mansinghji Ranmalsinghji, K C S I, Raja Sahib of—

NAWANAGAR His Highness Sir Vibhaji Ranmalji K C S I, Jam of—

Salutes of 13 Guns

NABHA His Highness Sir Hira Singh Bahadur G C S I Raja of—

SIRMUR (Nahan) His Highness Sir Shamsher Parkash Bahadur, G C S I, Raja of—

Salute of 12 Guns

SHIHR AND MOKLLA His Highness Awadh bin Omar Alkayati Jamadar of—

Salute of 11 Guns

MALER KOTLA His Highness Muhammad Ibrahim Ali Khan Bahadur, Nawab of—

Salutes of 9 Guns

KISHN AND SOKOTRA Ali bin Abdulla Sultan of—

LAS BELA Mir Sir Ali Khan K C I E Jam of—

TABLE OF LOCAL SALUTES

Salutes of 21 Guns

BHOPAL The Begam (or Nawab) of—	Within the limits of their own territories, permanently
GWALIOR The Maharaja (Sindhia) of—	
INDORE. The Maharaja (Holkar) of—	
JAMMU AND KASHMIR The Maharaja of—	

GOVERNMENT OF INDIA,

HOME DEPARTMENT

RULES REGARDING THE RECEIPT OF TESTIMONIALS AND ADDRESSES BY SERVANTS OF GOVERNMENT

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[a] Nos 729—53

Extract from the Proceedings of the Government of India in the Home Department (Public) under date Simla, the 6th May 1898

Read—

Home Department Resolution No $\frac{29}{1039-1045}$ dated the 22nd July 1887, regarding the receipt of testimonials and addresses by servants of Government

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RESOLUTION

By the rules attached to the Resolution above quoted, all servants of Government are prohibited subject to stated exceptions from receiving complimentary or valedictory addresses in any form or testimonials of any kind, and from attending public meetings or complimentary entertainments of a formal and public character held in their honour Several instances have recently occurred in which arrangements for the presentation of testimonials have been made and subscriptions collected apparently in ignorance of the fact that the proceedings were irregular and that the Rules prohibit Government officials from receiving testimonials of any kind It has also happened more than once lately that a formal character has been given to farewell entertainments, such as are permitted by rule 3, by the publication in the newspapers of speeches made at them The Governor General in Council in these circumstances finds it necessary to call the attention of Local Governments and Administrations to the rules, and to request that it may be again impressed on all officers that they must be strictly observed With a view to bringing them to the notice of the public, the Governor General in Council directs that they be republished in the *Gazette of India* and the Gazettes of Local Governments and Administrations. The rules do not apply to the receipt of addresses by the Head of any Government or Administration

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[a] Vide supplement to the Gazette of India May 7 1898, page 875

Testimonials and Addresses

1 Save as in these rules otherwise provided all servants of Govern ment Covenanted or Uncovenanted are forbidden to receive complimentary or valedictory addresses in any form or to accept testimonials of any kind, or to attend public meetings or complimentary entertainments of a formal and public character held in their honour

2 The Government views with disfavour all similar manifestations in the case of retired officers when following immediately upon their retirement from active service and designed as an acknowledgment of acts done by them while in the service of Government

3 It is not intended to prohibit such an expression of regard for the private or official character of an officer retiring from service or leaving his station or district as is involved in a farewell entertainment supported by his personal friends even though some of these may be his official subordinates But it is expected that the proceedings on such occasions will be substantially of a private and informal character

4 Local Governments and Administrations are authorised to forward to an officer who has left a station or district the resolution of any local public body recording a vote of thanks to him for help and advice afforded during his official connection with the station or district

5 Medical officers are not prohibited from receiving pecuniary recognition of their services from a community or body of persons which may desire to acknowledge these but the previous sanction of the Local Government or Administration must be obtained by medical officers before receiving any public complimentary address

6 Nothing in the above rule is meant to prohibit compliance with the request of a public body that a Government officer should sit for his portrait bust or statue in recognition of his public services provided that the portrait bust or statue is not intended for presentation to the officer concerned

7 The participation of Government officers in the raising of funds for the foundation of scholarships or for procuring a portrait bust or statue as a spontaneous recognition of the services of a Government officer is not forbidden, but it should be clearly understood that any solicitation on the part of officers of Government for subscriptions from any person who does not voluntarily come forward to contribute is disapproved by the Government of India.

Miscellaneous]

T[illegible] [illegible]onials and Addresses

8 The previous sanction of the Government of India must be obtained to the relaxation of these rules in any special case in which the Local Government or Administration may think this desirable

ORDER —Ordered that a copy of this Resolution be forwarded to (*a*) all Local Governments and Administrations (*b*) all Departments of the Government of India and (*c*) all Heads of Departments subordinate to the Home Department and that the Resolution be published in the *Gazette of India* for general information

(*a*) Government of Madras
Government of Bombay
Government of Bengal
Government of the North Western Provinces and Oudh
Government of the Punjab
Government of Burma
[illegible] of the Central [illegible]
[illegible] Assam
[illegible]
[illegible] at Hyderabad
(*b*) [illegible] Department
[illegible] Department
Military Department
Public Works Department
Legislative Department
Department of Revenue and Agriculture
(*c*) Superintendent of Port Blair
Director General of the Indian Medical Service
[illegible]
[illegible]
Registrar High Court Calcutta
Officer in charge of the Records of the Government of India

[True Extract]

J P HEWETT
Secretary to the Government of India

TREASURE TROVE

NOTIFICATION No 833

Dated Mount Abu the 9th October 1879

The following Rules are prescribed by the Chief Commissioner, Ajmere-Merwara under Section 19 of the Treasure Trove Act VI of 1878 to regulate proceedings under that Act —

1 —The Notification required by section 5 of the Act shall be in the following form—

FORM A

Notification under section 5 of the Treasure Trove Act VI of 1878

WHEREAS on the (*date*) Treasure of the following description and value ( ) was found by (*person*) in (*place*) all persons claiming the said Treasure or any part thereof are hereby required to appear personally or by Agent before the Assistant Commissioner of (*District*) on the day of 18 at the (*District Kutchery or on the spot if necessary or such other place as may be convenient*) in order that enquiry may be made concerning and orders may be passed as to the disposal of the said Treasure pursuant to the provisions of the said Act

(Signature of

(*Date*) *Assistant Commissioner*)

NOTE —The notice in Form A should also be served on the owner" of the place, if he is known, and the date in the Notification under section 5 (a) of the Act shall always be as therein required not earlier than four, and not later than six months from the date of the publication of the Notification.

Miscellaneous.]

Testimonials and Addresses

8 The previous sanction of the Government of India must be obtained to the relaxation of these rules in any special case in which the Local Government or Administration may think this desirable

ORDER —Ordered that a copy of this Resolution be forwarded to (*a*) all Local Governments and Administrations, (*b*) all Departments of the Government of India and (*c*) all Heads of Departments subordinate to the Home Department and that the Resolution be published in the *Gazette of India* for general information

(*a*) Government of Madras
Government of Bombay
Government of Bengal
Government of the North Western Provinces and Oudh
Government of the Punjab
Government of Burma
Chief Commissioner of the Central Provinces
Chief Commissioner of Assam
Chief Commissioner of Coorg
Resident at Hyderabad

(*b*) Foreign Department
Financial Department
Military Department
Public Works Department
Legislative Department
Department of Revenue and Agriculture

(*c*) Superintendent of Port Blair
Director General of the Indian Medical Service
Sanitary Commissioner with the Government of India
Secretary to the Board of Examiners
Registrar of the Calcutta University
Bishop's Chaplain
Registrar High Court Calcutta
Officer in charge of the Records of the Government of India

[True Extract]

J P HEWETT,

Secretary to the Government of India.

RULES UNDER THE WILD BIRDS PROTECTION ACT

No 196S *dated 22nd January* 1887

In exercise of the powers conferred by section 3 sub sections (1) and (2) and section (4) of the Wild Birds Protection Act (XX of 1887) the Chief Commissioner of Ajmere Merwara is pleased to make the following rules with respect to the Municipalities of Ajmere and Beawar and the Cantonments of Nasirabad and Ajmere

1 These rules will come into force on the 1st of January 1889

2 No person shall be allowed within the limits of the Municipalities of Ajmere and Beawar and the Cantonments of Nasirabad and Ajmere to possess or sell during the time mentioned in the second column of the Schedule hereto annexed any wild bird or animal of the kind mentioned in the first column thereof which has been recently killed or taken nor shall any person during such time import the plumage or fur of any such bird or animal recently killed

3 Whoever commits a breach of rule 2 shall be punished with a fine which may extend in the case of a first offence to five rupees for every wild bird or animal in respect of which or of the plumage or fur whereof the breach of the rule has been committed and in the case of a subsequent offence to ten rupees in respect of every such bird animal plumage or fur

(1) SCHEDULE

All kinds Partridge and Bustard	1[illegible]th March to 31st August
Sand Grouse	1st April to 30th June
Hares	1st April to 31st August
Sambur	1st April to 30th September
Peafowl Antelope and Gazelles	1st June to 30th September

(1) This Schedule has been substituted for the original Schedule by Notification No [illegible] S, dated [illegible]th October 1890 See Gazette of India Part II dated November 1st 1890 page 667

Wild Birds, Protection of

No 3585S, *dated Abu, the* 12*th September* 1888

In exercise of the powers conferred on him by section 4 of the Wild Birds Protection Act (XX of 1887), the Chief Commissioner of Ajmere-Merwara is pleased to declare that the provisions of section 3 of the said Act with respect to wild birds shall apply, within the Municipalities of Ajmere and Beawar and the Cantonments of Nasirabad and Ajmere, to the following animals of game —

Deer
Hare

(*Published at page* 427 *of the Gazette of India, Part II, dated* 22*nd September* 1888)

THE AJMERE MUNICIPALITIES REGULATION, 1886.

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Wild Birds, Protection of

No 3585S dated Abu, the 12th September 1888

In exercise of the powers conferred on him by section 4 of the Wild Birds Protection Act (XX of 1887), the Chief Commissioner of Ajmere-Merwara is pleased to declare that the provisions of section 3 of the said Act with respect to wild birds shall apply within the Municipalities of Ajmere and Beawar and the Cantonments of Nasirabad and Ajmere, to the following animals of game —

Deer
Hare

(*Published at page* 427 *of the Gazette of India Part II, dated* 22*nd September* 1888)

THE AJMERE MUNICIPALITIES REGULATION, 1886.

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REGULATION No V of 1886

A Regulation to make better provision for the Organization and Administration of Municipalities in Ajmere and Merwara

(*Published in the Gazette of India of 16th October 1886, Part I page 581*)

Whereas it is expedient to make better provisions for the organization and administration of municipalities in Ajmere and Merwara, It is hereby enacted as follows —

CHAPTER I

Preliminary

1 (1) This Regulation may be called the Ajmere Municipalities Regulation 1886

(2) It extends to the territories for the time being administered by the Chief Commissioner of Ajmere and

(3) It shall come into force on the first day of November 1886

(4) (*Repealed by Regulation IX of 1893*)

2. In this Regulation, unless there is something repugnant in the subject or context,—

(1) 'Committee' means a municipal committee constituted under this Regulation

(2) 'Municipality' means a local area to which this Regulation has been applied under section 4 or section 5

(3) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service

(4) "Inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a municipality or in a local area to which the Chief Commissioner has by notification declared his intention to apply this Regulation

(5) "Street" includes any way, road lane square court alley, passage or open space whether a thoroughfare or not over which the public have a right of way, and also the roadway and footway over any public bridge or causeway

(6) "Owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant

(7) "Notification" means a notification published by authority of the Chief Commissioner in the official Gazette

(8) "Notified" means published as aforesaid and

(9) "Prescribed" means prescribed by rules made by the Chief Commissioner under this Regulation

3 (1) The Chief Commissioner may by notification and in such other manner as he may from time to time determine declare his intention to apply this Regulation to any town or to any group of towns in the immediate neighbourhood of one another — *Notification of intention to apply Regulation*

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building, land or water in the vicinity of any such town

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment

4 (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of the Regulation, submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification and the Chief Commissioner shall take his objection into consideration — *Application of Regulation.*

(2) When six weeks from the publication of the notification have expired, and the Chief Commissioner has considered the objections (if any) which have been submitted under sub section (1) the Chief Commissioner may, by notification, apply this Regulation to the local area.

5 The Chief Commissioner may, by notification, apply (*a*) this Regulation to any local area which is a municipality established under the North-Western Provinces and Oudh Municipalities Act, 1873 (*b*) — *Special rule as to application of Regulation to towns to which Act XV of 1873 applies.*

XV of 1873

(*a*) Regulation V of 1886 has by notification Nos. 1406-702 and 1408-70?, dated 22nd December 1886 (see Gazette of India, 1887, Part II page 14) been applied under section 5 to each municipality in Ajmere Merwara, viz., the municipalities of Ajmere, Beawar and Kekri

(*b*) Portion repealed by Regulation IX of 1893 is omitted.

CHAPTER II

Organization of Municipal Committees

Constitution of Committees

6 There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(a) So many elected members as may be determined in manner prescribed, representing the whole municipality or wards of the municipality, and

(b) Such person or persons (if any) not exceeding in number one-fourth of the Committee, as the Chief Commissioner may, subject to the rules made under this Regulation, appoint in this behalf

7 (1) The Magistrate of the district within which any municipality is situated shall, within one month from the date on which this Regulation has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting within such further time not exceeding three months from the date of the meeting as the Chief Commissioner may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(2) The Chief Commissioner may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals

be 8 Notices under section 7 shall be issued to the following persons, namely —

(a) All Honorary Magistrates having jurisdiction within the limits of the municipality

(b) (*Repealed by Regulation IX of 1893*)

(c) Any leading residents of the Municipality not included under [a] clause (a) [a] who in the opinion of the District Magistrate should be allowed to take part in the discussion

[a a] This reference was substituted for the original reference by Regulation IX of 1893

9. The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section submit through the District Magistrate to the Chief Commissioner proposals regarding the following matters, namely — Matters to be considered at the meeting

(*a*) The treatment of the municipality as a whole for the purposes of representation or the division of the municipality into wards,

(*b*) The number of representatives proper for the municipality or for each ward,

(*c*) The qualifications of electors and of candidates for election,

(*d*) The registration of electors,

(*e*) The nomination of candidates the time of election and the mode of recording votes, and

(*f*) Any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider

10 (1) The Chief Commissioner shall, after taking into consideration the proposals (if any) submitted under section 9 make rules [a] regulating the matters referred to in that section and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to ten rupees Power to Chief Commissioner to make rules regarding representation and election

(2) The Chief Commissioner may after the committee has come into existence as hereinafter provided, amend, after consulting the committee the rules made under sub-section (1), but no amendment made under this sub-section shall take effect until six months after it has been published in the official Gazette

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force

11 (1) The term of office of a member of a committee shall be fixed by the Chief Commissioner by rule made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years. Term of office of members of committee

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[a] [illegible]

(2) An outgoing member shall if otherwise qualified be again eligible for election or appointment.

12 *A member of a committee may resign by notifying in writing his* intention to do so to the Chief Commissioner and on his resignation being accepted by the Chief Commissioner he shall be deemed to have vacated his office

13 (1) The Chief Commissioner may remove any member of a committee —

(*a*) If he refuses to act or becomes in the opinion of the Chief Commissioner, incapable of acting or is declared insolvent or is convicted of any such offence or subjected by a Criminal Court to any such order as implies in the opinion of the Chief Commissioner a defect of character which unfits him to be a member

(*b*) If he has been declared by notification to be disqualified for employment in the public service

(*c*) If he without an excuse sufficient in the opinion of the Chief Commissioner neglects for more than three consecutive months to be present at the meetings of the committee,

(*d*) If his continuance in office is in the opinion of the Chief Commissioner, dangerous to the public peace or order, or

(*e*) When he is a salaried officer of the Government if his continuance in office is in the opinion of the Chief Commissioner, unnecessary or undesirable

(2) A person removed under this section shall be disqualified for election unless and until the Chief Commissioner otherwise directs.

14. (1) When the place of an elected member of a committee becomes vacant by his resignation removal death or otherwise a new member shall be elected in manner prescribed to fill the place

Provided that the Chief Commissioner may subject to the limitation of the proportion of appointed members of the committee fixed by section 6 clause (*b*) direct in any such case that the vacancy shall be left unfilled

(2) When the place of an appointed member of a committee becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, but subject to the rules made under this Regulation, appoint a new member to fill the place

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment

15 Every committee shall be a body corporate by the name of the committee of its municipality shall have perpetual succession and a common seal, with power to acquire and hold property both moveable and immoveable, and subject to the rules made under this Regulation to transfer any property held by it and to contract and to do all other things necessary for the purposes of its constitution and may sue and be sued in its corporate name — Incorporation of committee

16 A committee shall come into existence at such time as the Chief Commissioner may by notification appoint in this behalf — Time for committees coming into existence

17 (1) When a committee comes into existence under section 16 for a municipality constituted under this Regulation and that municipality comprises within its limits a local area [a] which is a municipality under the North Western Provinces and Oudh Municipalities Act 1873 the following consequences shall ensue namely — — Consequences of establishment of committee where municipal committee exists

(a) The said North Western Provinces and Oudh Municipalities Act shall cease to apply to the local area [a]

(b) The committe (if any) constituted under that Act for the local area shall cease to exist,

(c) All property vested in the old committee shall for the purposes of this Regulation vest in the committee constituted under this Regulation (hereinafter called the new committee) subject to all rights (if any) existing over and all debts liabilities and obligations (if any) affecting that property

(d) Every right and liability belonging to or incurred by the old committee, may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Regulation had not been made,

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[a] See footnote [a] on page 877, Supra

(e) A Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Chief Commissioner, and

(f) The new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence

(2) When a committee comes into existence under section 16 for a municipality constituted under this Regulation, and that municipality comprises within its limits a local area in which Act XX of 1856 (*an Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns Stations Suburbs and Bazars in the Presidency of Fort William in Bengal*) is in force that Act shall cease to have effect in the local area and every panchayat constituted under that Act for the local area shall cease to exist

Chairman and Vice Chairman

18 A committee shall from time to time at a special meeting elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Chief Commissioner, but not otherwise, become chairman of the committee

Provided that—

(a) If the office of chairman remains vacant for three months from the date of the first meeting of the committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Chief Commissioner may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman, and

(b) In such municipalities as the Chief Commissioner may from time to time by notification, exempt from the operation of this section, the Chief Commissioner may from time to time appoint such person as he thinks fit by name or by virtue of office to be chairman.

19 In every Municipality the committee shall from time to time, at a special meeting, elect one or two of its members to be its vice chairman or vice-chairmen Election of vice chair man

20. (1) The term of office of a member of the committee, elected to be chairman shall be the residue of his term of office as member. Term of office of chairman and vice chairman

(2) The term of office of any other person elected to be chairman, or of a chairman appointed by the Chief Commissioner, shall be such term, not exceeding three years, as the Chief Commissioner, may by rule prescribe

(3) The term of office of a vice chairman shall be one year

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice chairman shall be the residue of his term as member

(4) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment

21 (1) A chairman of a committee may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on his resignation being accepted by the Chief Commissioner, he shall be deemed to have vacated his office Resignation of chairman or vice chair man

(2) A vice chairman of a committee may resign by notifying in writing his intention to do so to the committee and on his resignation being accepted by the committee, he shall be deemed to have vacated his office

22 The Chief Commissioner may remove any chairman or vice chairman of a committee from his office as such chairman or vice chairman if he refuses to act, or becomes incapable of acting or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be chairman or vice chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the committee Removal of chairman or vice chair man.

23 (1) If an elected chairman or vice chairman dies or resigns his office, or is removed, a new chairman or vice chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be Casual vacancies in office of chairman or vice chair man

(2) If a chairman appointed by the Chief Commissioner dies resigns his office or is removed the Chief Commissioner shall appoint another chairman

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office and shall then go out of office

Provided that, if a person so elected is a member of the committee at the time of his election he shall go out of office on ceasing to be a member

(4) A person going out of office under sub section (3) shall if otherwise qualified, be again eligible for election or appointment

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24 When a person not already a member of the committee is elected or appointed chairman he shall, notwithstanding anything in the foregoing sections become a member of the committee by virtue of his election or appointment and shall continue to be a member so long as he holds office as chairman

Notification of Elections, Appointments and Vacancies

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25 Every election and appointment of a member or chairman of a committee and every vacancy in the office of member or chairman, shall be notified

Joint Committees

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26 (1) A committee may, from time to time, concur with any other municipal committee or with a district board, or with a cantonment authority, or with more than one such committee, board or authority in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed

(2) If any difference of opinion arises between committees boards or authorities acting under this section, the decision thereon of the Chief Commissioner shall be final.

Conduct of Business

27. (1) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34. Time for holding meetings

(2) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall upon a requisition made in writing by not less than one fifth of the members of the committee convene either an ordinary or a special meeting at any other time.

28. (1) A meeting of a committee shall be either ordinary or special. Ordinary and special meetings

(2) Any business may be transacted at any ordinary meeting unless it is required by this Regulation or the rules made under this Regulation to be transacted at a special meeting.

29. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be two thirds of the whole committee. Quorum

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may from time to time be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted at, the adjourned meeting whether there is a quorum present thereat or not.

30. (1) At every meeting of a committee the chairman, if present, shall preside. Chairman of meeting

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting and a vice-chairman is present, such vice chairman, or, when two vice-chairman are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section the members present shall elect one of their number to be chairman of the meeting

31 (1) Except as otherwise provided by this Regulation or by any rule made by the Chief Commissioner under this Regulation all questions which may come before any meeting of a committee shall be decided by a majority of the votes of the members present

(2) In case of an equality of votes the chairman of the meeting shall have a second or casting vote

32 The Civil Surgeon of the district the Executive Engineer of the division and the Inspector of Schools of the circle shall be entitled to attend any meeting of the committee and to address the committee on any matter affecting respectively sanitation public works and public instruction

33 (1) Every resolution passed by a committee at a meeting shall be recorded in a book kept for the purpose shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in such manner as the Chief Commissioner may direct

(2) A copy of every resolution passed by a committee at a meeting shall within ten days from the date of meeting be forwarded to the District Magistrate

34 (1) Every committee may from time to time at a special meeting make rules consistent with this Regulation and any rules made under this Regulation by the Chief Commissioner as to—

(*a*) The time and place of its meetings,

(*b*) The manner of convening ordinary and special meetings respectively, and of giving notice thereof,

(*c*) The quorum necessary for the transaction of business at ordinary meetings,

(*d*) The conduct of proceedings at meetings, and the adjournment of meetings,

(*e*) The division of duties among the members of the committee,

(*f*) The persons by whom receipts may be granted on behalf of the committee for money paid under this Regulation and

(*g*) All other similar matters

(2) Every rule made under this section shall be published in such manner as the Chief Commissioner may direct

Officers and Servants

35 (1) Every committee shall from time to time at a special meeting appoint one or more of its members or with the sanction of the Commissioner any other person or persons to be its secretary or secretaries and may at a like meeting remove any person so appointed Appointment of secretary

(2) If a person who is an officer in the service of the Government and who is not a member of the committee is appointed secretary he shall notwithstanding anything in the foregoing sections become a member of the committee by virtue of such appointment and shall continue to be a member of the committee as long as he holds the office of secretary

(3) When a member of the committee is appointed to be secretary he shall receive no remuneration in respect of his services In other cases the committee may with the previous sanction of the Chief Commissioner assign to a secretary such pay as it thinks fit

36 Subject to the other provisions of this Regulation and to such rules as the Chief Commissioner may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill a committee may employ in addition to its secretary or secretaries such other officers and servants as may be necessary or proper for the efficient execution of its duties and may assign to such officers and servants such pay as it thinks fit Employment of other officers and servants

37 In the case of a Government official a committee may— Pensions of Government officials serving committees

(1) If his services are wholly lent to it subscribe for his pension or gratuity and leave allowances in accordance with the rules of the [a] Civil Service Regulations [a] for the time being in force and

(2) If he devotes only a part of his time to the performance of duties in behalf of the committee make a contribution on account of his pension or gratuity and leave allowances in such proportion as may be determined by the Chief Commissioner

[a a] These words were substituted for the original words by Regulation IX of 1893

Pensions of others

38 In the case of an officer or servant not being a Government official, a committee may—

(1) Grant him leave allowances and if he is employed under a committee constituted under the North Western Provinces and Oudh Municipalities Act 1873 [a] when this Regulation comes into force, and is not entitled to pension or if his monthly pay is less than ten rupees, a gratuity, and

(2) If empowered in this behalf by the Chief Commissioner,—

(a) Subscribe on his behalf for pension or gratuity under the rules of the Government Civil Service Regulations for the time being in force, or

(b) Purchase for him from the Government or otherwise an annuity on his retirement

Provided that no pension gratuity leave allowance or annuity shall exceed the sum to which under the [b] Civil Service Regulations [b] for the time being in force the officer or servant would be entitled if the service had been service under the Government

Contracts

Authority to contract

39 (1) A committee may delegate to one or more of its members the power of entering into on its behalf any contract whereof the value or amount does not exceed two hundred rupees

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the Committee at a meeting

Mode of executing contracts

40 (1) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing

(2) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary

Provided that the committee may delegate to one or more of its members the power of executing any contracts which he is or they are empowered to enter into under section 39, sub section (1)

(3) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the committee

(a) See foot note [a] on page 877, *S pra*

[b b] These words were substituted for the original words by Regulation IX of 1893

CHAPTER III

TAXATION

Taxation

41 (1) Subject to any general rules or special orders which the Governor General in Council may make in this behalf and to any rules made by the Chief Commissioner under this Regulation a committee may from time to time for the purposes of this Regulation and in the manner by this Regulation directed impose in the whole or any part of the municipality any of the following taxes namely — Taxes which may be imposed

(*A*) With the previous sanction of the Chief Commissioner —

(*a*) A tax on buildings and lands situate within the municipality not exceeding seven and a half percentum on the annual value of the buildings and lands

(*b*) A tax on persons practising any profession or art or carrying on any trade or calling in the municipality

(*c*) A tax on all or any vehicles boats animals used for riding driving draught or burden and dogs kept within the municipality

(*d*) A tax on vehicles and animals used as aforesaid entering the municipality

(*e*) An octroi on animals for slaughter or goods or both brought within the municipality for consumption or use therein and

(*B*) With the previous sanction of the Chief Commissioner and of the Governor General in Council, any other tax

(2) In this section annual value means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let

Provided that in the case of land which is assessed to land revenue or of which the land revenue has been wholly or in part released compounded for redeemed or assigned the annual value shall if the Chief Commissioner so directs be deemed to be double the amount of the land revenue for the time being assessed on the land or when the land revenue has been wholly or in part released compounded for redeemed or assigned double the amount which but for such release composition redemption or assignment would have been assessable as land revenue

Scavenging tax

42. When a committee has, in exercise of the powers conferred by this Regulation, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Chief Commissioner, in the manner by this Regulation directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Regulation, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties

Water tax

43 (1) Besides the taxes mentioned in sections 41 and 42 a committee with the previous sanction of the Chief Commissioner, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works impose, in the manner by this Regulation directed, a tax to be called the water tax, upon buildings or lands which are so situated that their occupiers can benefit by the works

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations to their distance from the nearest point at which the water is deliverable by the works and to their level, but in fixing it regard shall be had to the principal that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes

Procedure in imposing taxes

44 (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43

(2) When such a resolution has been passed the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed the amount or rate of the tax to be imposed, and the system of assessment to be adopted

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee and the committee, shall at a special meeting take his objection into consideration

(4) If no such objection is received within the said period of thirty days or if such objection having been considered as aforesaid is deemed insufficient the committee may forward its proposals to the Chief Commissioner, with the objections (if any) which have been submitted as aforesaid and its decision thereupon

(5) The Chief Commissioner on receiving such proposals may sanction the same or refuse to sanction them, or return them to the committee for further consideration

(6) When the Chief Commissioner sanctions any such proposals which require the further sanction of the Governor General in Council he shall submit the same to the Governor General in Council with the objections (if any) received through the committee and the Governor General in Council may sanction the proposals or refuse to sanction them or return them to the Chief Commissioner for further consideration

(7) When the proposals of a committee have been sanctioned by the Chief Commissioner or by the Chief Commissioner and the Governor General in Council as the case may be the Committee may at a special meeting direct the imposition of the tax in accordance with such proposals

(8) In giving such direction the committee shall fix a date from which the tax shall come into force

Provided that—

(a) No tax shall come into force until it has been notified

(b) No tax leviable by the year shall come into force except at the commencement of the year by which it is leviable and

(c) No other tax shall come into force less than one month from the date of the meeting at which its imposition is directed

(9) A notification of the imposition of a tax under this Regulation shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Regulation

45 A committee may by a resolution passed at a special meeting and confirmed by the Chief Commissioner abolish or reduce in amount any tax imposed under section 41 section 42 or section 43 Power to abolish or reduce taxes

46 (1) A committee may exempt in whole or in part from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same Power to exempt from taxation

(2) A committee may, by resolution passed at a special meeting and confirmed by the Chief Commissioner, and the Chief Commissioner may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property

Power for Chief Commissioner to suspend levy of tax

47 (1) If at any time it appears to the Chief Commissioner, on complaint made or otherwise that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public he may require the committee to take within a specified period measures to remove the objection, and, if within that period the requirement is not complied with to the satisfaction of the Chief Commissioner, the Chief Commissioner may by notification suspend the levy of the tax or of such part thereof until the objection has been removed

(2) The Chief Commissioner may at any time by notification rescind any such suspension

Taxes not invalid for defect of form

48 No tax imposed under this Regulation shall be invalid merely for defect of form and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof

Taxes when payable

49 Any tax imposed under section 41, section 42, or section 43, and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Chief Commissioner, may, by rule from time to time direct

Receipts to be given

50 For all sums paid on account of any tax under this Regulation, a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same on request by the person making the payment

Appeals against taxation

51 (1) An appeal against the assessment or levy of any tax under this Regulation shall lie to the District Magistrate unless he is a member of the committee in which case the appeal shall lie to the Commissioner or other officer empowered by the Chief Commissioner in this behalf

(2) The order of the appellate authority shall be final

52 (1) No appeal shall lie in respect of a tax on any building or land unless it is preferred within two months after the publication of the notice prescribed by section 58 and no appeal shall lie in respect of any other tax unless it is preferred within two months from the time when the demand for the tax is made — Limitation for appeals

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not *presenting the appeal within that period*

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred

53 No objection shall be taken to any valuation or assessment nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than in this Regulation is provided — Taxation not to be questioned except under this *Regulation*

54 All taxes leviable in any local area under the North Western Provinces and Oudh Municipalities Act 1873 [a] at the time when a committee having authority over that local area comes into existence under this Regulation shall so far as their imposition and assessment are consistent with this Regulation and within the powers conferred thereby be deemed to have been imposed and assessed under this Regulation — Taxes leviable under Act XV of 1873 to be deemed to be taxes under this Regulation

Taxes on Immoveable Property

55 (1) The committee shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared containing— — Preparation of assessment list

(*a*) The name of the street or division in which the property is *situate*

(*b*) The designation of the property either by name or by number sufficient for identification

(*c*) The names of the owner and occupier if known

(*d*) The annual value on which the property is assessed and

(*e*) The amount of the tax assessed thereon by the committee

(2) For the purpose of preparing the list the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value

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[a] See footnote [a] on page 8— Supra

Publication of notice of assessment

56 When the assessment list has been completed the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge

Public notice of time fixed for revising assessment list

57 (1) The committee shall at the same time give public notice of a time not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment, and in all cases in which any property is for the first time assessed or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time

Settlement of list

58 (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been entered therein, and, subject to such amendments as may thereafter be duly made the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published

Further amendments of assessment list

59 (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake oversight or fraud, after giving notice, to any person interested in the amendment of a time not less than one month from the date of service of such notice at which the amendment is to be made

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit

60 It shall be in the discretion of the committee to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment list had been prepared — New list need not be prepared every year

61 (1) When a tax payable under section 41 sub section (1) clause (*a*) or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted — Remission of tax on unoccupied immoveable property

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub section (1) clause (*a*), or under section 42 or section 43, is wholly or in greater part demolished or destroyed by fire or otherwise the committee may remit such proportion of the tax as it thinks equitable

62 (1) A tax payable under section 41, sub section 1, clause (*a*) shall be paid by the owner of the property in respect of which it is payable — Taxes on immoveable property by whom payable

(2) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable

63 (1) When any sum is due on account of a tax payable under this Regulation in respect of any property by the owner thereof the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same — Recovery of taxes payable by owner

(2) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax

(3) The amount of every such arrear may be recovered, on the application of the committee, by the officer discharging the functions of a Collector under the Ajmere Land and Revenue Regulation, 1877 [a] in the part of the territories administered by the Chief Commissioner in which the municipality is situate, as if the property were an estate assessed to land revenue, and the arrear were an arrear of such revenue due thereon

Provided that nothing in this sub section shall authorize the arrest of a defaulter

Power to search where octroi is leviable

64 If any person bringing or receiving a conveyance or package within the octroi limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence

Power to examine article liable to octroi

65 Every person bringing or receiving within the octroi limits of any municipality any article on which octroi is payable shall, when requ[illegible], an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article, and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article

Presentation of bill for octroi

66 Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated

Recovery of octroi and tolls

67 (1) In case of non payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the

[a] Printed *Supra* page 438

octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand

(2) The committee may cause any property so seized or so much thereof as is necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure custody and sale thereof unless the demand and expenses are in the meantime paid after the lapse of five days from the seizure and after the issue of a proclamation fixing the time and place of sale

Provided that by order of the chairman or a vice chairman articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice chairman may having regard to the nature of the articles think proper

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CHAPTER IV

MUNICIPAL FUND AND PROPERTY

68 There shall be formed for each municipality a municipal fund and there shall be placed to the credit thereof— Constitution of municipal fund

(a) All sums received by or on behalf of the committee under this Regulation or otherwise

(b) All fines realised in cases in which prosecutions are instituted under this Regulation or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality and

(c) When there has been included within the municipality any municipality constituted under the North Western Provinces and Oudh Municipalities Act 1873 [a] the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence

69 (1) The committee shall set apart and apply annually out of the municipal fund— Application of fund

(a) *First* such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it,

[a] See footnote [a] on page 877 Supra

CHAPTER V

MUNICIPAL POLICE

Police establishment

73 Every committee shall maintain a police establishment for watch and ward and the prevention and suppression of nuisances within the municipality and for the enforcement of this Regulation and the rules made thereunder and of the orders of the committee

Constitution of establishment

74 The establishment maintained under section 73 shall as the committee with the approval of the Chief Commissioner may direct be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861, and it shall consist of such number of officers and men and the officers and men shall receive such pay, leave allowances gratuities and pensions as the committee may from time to time after consultation with the District Magistrate and the Commissioner and subject to the final decision of the Chief Commissioner, direct

Appointment punishment and duties of municipal watchmen

75 If the establishment maintained under section 73 is a body of watchmen the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension reduction or fine under such rules as the Chief Commissioner may make in this behalf, and shall perform such duties, and be liable to such penalties, as village watchmen appointed under the Panjab Laws Act 1872, as amended by the Panjab Laws Amendment Act 1875, perform and are liable to

Duties of municipal police enrolled under Act V of 1861

76 If the establishment is part of the general police force the Chief Commissioner may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform

Powers under section 34 of Act V of 1861

77 In any municipality in which section 34 of Act V of 1861 is in force every watchman under this Regulation shall have the powers of a police officer under that section

CHAPTER VI

Power for Sanitary and other Purposes

Streets and Buildings

78 When any land is required for a new street or for the improvement of an existing street the committee may proceed to acquire, in addition to the land to be occupied by the street any land unoccupied by buildings which is in the opinion of the committee necessary for the sites of the buildings to be erected on the sides of the street

Power to acquire land for building sites adjoining new streets.

79 The committee may close temporarily any street or any part thereof for the purpose of repairs or for the purpose of constructing or repairing any sewer drain, culvert or bridge, or for any other public purpose, and may divert, discontinue or permanently close any such street

Power to close streets

80. The committee may grant permission in writing for the temporary occupation of any street or of any land under its control or management, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood and may charge fees for such permission, and may at its discretion withdraw the permission

Power to permit temporary occupation of streets &c

81 The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience

Power to attach brackets for lamps

82 (1) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit and may also cause a number to be affixed to any building, and in like manner may, from time to time, cause such names and numbers to be altered

Names of streets and numbers of buildings

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee shall be punished with fine which may extend to twenty rupees.

83. The committee at a meeting may direct that within certain limits to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass mats, leaves or other highly inflammable materials unless with the permission of the commitee in writing, and the

Roofs and external walls not to be made of inflammable materials

committee may by written notice require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit

Power to regulate line of buildings

84. (1) If any building or part of a building projects beyond the regular line of a street either existing or determined on for the future or beyond the front of the building on either side thereof the committee may, *whenever the building or part has been either entirely or in greater part* taken down or burnt down or has fallen down by notice require the building or part when being re built to be set back to or towards the said regular line or the front of the adjoining buildings, and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the committee

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back

(2) The committee may on such terms as it thinks fit allow any building to be set forward for the improvement of the line of the street

Notice of new buildings

85 (1) Every person intending to erect or re erect any building shall *if required to do so by rule made by the committee in this behalf give notice* in writing of his intention to the committee and shall if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid and specifications of the works intended to be constructed and the materials to be used and shall obey all written directions consistent with this Regulation given by the committee within one month after receiving such notice either prohibiting the erection or re erection if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following namely —

(*a*) Free passage or way in front of the building,

(*b*) Space to be left about the building to secure free circulation of air and facilitate scavenging,

(*c*) Ventilation and drainage,

(*d*) Level and width of foundation level of lowest floor and stability of structure, and

(*e*) The line of frontage with neighbouring buildings if the building abuts on a street

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in contravention of the legal orders of the committee issued within one month the committee may by notice require the building to be altered or demolished, as it may deem necessary

Explanation—The expression "erect any building" includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling house of any building not originally constructed for human habitation, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only

86. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein Removal of projections and obstructions.

(2) The committee may, by notice require the owner or occupier of any building to remove or alter any projection encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street.

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the making of this Regulation, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration

(3) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places

Bathing and washing places

87 The committee may set apart suitable places for the purpose of bathing and may specify the times at which and the sex of the persons by whom, such places may be used and may also set apart suitable places for washing animals or clothes or for any other purpose connected with the health cleanliness or comfort of the inhabitants and may by public notice, prohibit bathing or the washing of animals or clothes in any public place not so set apart or at times or by persons other than those specified and all other acts by which water in public places may be rendered foul or unfit for use

Deposit of Offensive Matter and Slaughter places

Removal and deposit of offensive matter

88 The committee may fix places within or with the approval of the District Magistrate beyond the limits of the municipality for the deposit of refuse rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals and may by public notice give directions as to the time manner and conditions at in and under which such refuse rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places

Places for slaughter of animals

89 (1) The committee may with the approval of the District Magistrate fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale or of any specified description of such animals and may with the like approval grant and withdraw licenses for the use of such places or if they belong to the committee charge rent or fees for the use of the same

(2) When such places are fixed by the committee beyond municipal limits it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits

(3) When any such place has been fixed no person shall slaughter any such animal for sale within the municipality at any other place

(4) Whoever slaughters any such animal at any other place for sale within the municipality shall be punished with fine which may extend to twenty rupees.

Burial and Burning Places

90 (1) The committee may by public notice, order [a] any burial or burning ground which is in its opinion dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice and shall in such case if no suitable place for burial or burning exists within a reasonable distance provide a fitting place for the purpose

Powers in respect of burial and burning places.

(2) Private burial places in such burial grounds may be excepted from the notice subject to such conditions as the committee may impose in this behalf

Provided that the limits of such burial places are sufficiently defined and that they shall only be used for the burial of members of the family of the owners thereof

(3) No burial or burning ground whether public or private shall be made or formed after the commencement of this Regulation without the permission in writing of the committee

(4) If any person buries or burns or causes or permits to be buried or burnt any corpse in any burial or burning ground made or formed contrary to the provisions of this section or after the date fixed thereunder for closing the same he shall be punished with fine which may extend to fifty rupees

91 The committee may by public notice prescribe [b] routes for the removal of corpses to burial or burning places

Removal of corpses

Inflammable Materials

92 The committee may where it appears to it to be necessary for the prevention of danger to life or property by public notice prohibit all persons from stacking or collecting dry grass straw or other inflammable materials or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice

Inflammable materials.

Powers of Entry and Inspection

93 (1) The committee by any person authorized by it in this behalf, may, after giving six hours notice in writing to the occupier of any land or

Inspection of drains privies and cesspools

[a] As to appeal from orders under Section 90 see Section 120 *infra*

[b] As to appeal from orders under Section 91 see Section 120 *infra*

building in which any drains, privies or cesspools are situated, inspect any such drains privies or cesspools at any time between sunrise and sunset, and may, if necessary cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the drains privies or cesspools

(2) If on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance the expenses thereby incurred shall be paid by the owner of the land or building, or by the occupier, as the committee may direct, but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee

Power to enter and inspect buildings, &c

94 The committee by any person authorized by it in this behalf, may, after giving twenty four hours notice to the occupier or, if there is no occupier to the owner of any building at any time between sunrise and sunset enter and inspect the building and may by notice direct all or any part thereof to be forthwith internally or externally lime washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land

95 The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(*a*) Enter on and survey and take levels of any land,

(*b*) Enter, inspect and measure any building for the purpose of valuation, or

(*c*) Enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Regulation empowered to execute or maintain

Power to enter for discovery of vehicles or animals liable to taxation

96 The committee, by any person authorized by it in this behalf, may at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation for which a license has not been duly taken out

97. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein, and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption, Power to inspect places for sale of food or drink &c., and to seize unwholesome articles exposed for sale

and in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal

98 (1) The committee may provide for the performance by its agents of the duty usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land Power of entry for purpose of scavenging

(2) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally in any ward or part of the municipality

(3) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands, or different wards or parts of the municipality and charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid

(4) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties, and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed

Privacy

Precautions to be observed in entering dwellings.

99. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman who, according to custom, does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains

Troughs and pipes for rain-water.

100. The committee may by notice require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof, and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

101. (1) The committee may by notice require the owner of any building to provide any privy or additional privies or cesspools which should in its opinion be provided for the building in such manner as the committee directs.

(2) The committee may by notice require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter as the committee directs any door or trap-door of a privy opening on to any street or drain.

Repair and alteration of drains, privies and cesspools.

102. (1) The committee may by notice require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool on the same or belonging thereto.

(2) The committee may by notice require any person who constructs any new drain, privy or cesspool without the permission in writing of the committee, or contrary to the rules or to the provisions of this Regulation, or who constructs, rebuilds or reopens any drain, privy or cesspool which it has

ordered to be demolished or stopped up or not to be made to demolish the drain privy or cesspool or to make such alteration therein as it thinks fit

103 The committee may by notice require any person who without its permission in writing newly erects or re builds any building over any public sewer drain culvert water course or water pipe to pull down or otherwise deal with the same as it thinks fit — Unauthorized buildings over drains, &c

104 The committee may by notice require any owner or occupier on whose land any drain latrine urinal cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring well tank reservoir or other source from which water is or may be derived for public use to remove or close the same within one week — Removal of latrines &c, near any source of water supply

105 The committee may by notice require the owner or occupier of any land or building to cleanse repair cover, fill up or drain off any private tank, well reservoir pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood — Power to require drainage &c, of unwholesome tanks, &c

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation

Dangerous Buildings and Places

106 If any building or any well tank or other excavation is for want of sufficient repair protection or enclosure dangerous to persons passing by or dwelling or working in the neighbourhood the committee may by notice, require the owner or occupier thereof to repair protect or enclose the same, and if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger — Power to require buildings wells, tanks, &c, to be secured.

107 If any building wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building wall or structure as the committee considers necessary for the public safety, and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger — Buildings, &c, in ruinous or dangerous state.

Buildings and Grounds in Unsanitary Condition

Power to require owner to clear away noxious vegetation

108 The committee may by notice require the owner or occupier of any land to clear away and remove any thick or noxious vegetation jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood

Power to trim hedges and trees bordering on street

109 The committee may by notice require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof

Power to have building or land cleansed

110 If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state the committee may by notice require him within twenty four hours to cleanse the same or otherwise put it in a proper state

Power in respect of building unfit for habitation

111 If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason the committee may, by notice prohibit [a] the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use

Power to require untenanted buildings becoming a nuisance to be secured or enclosed

112 The committee may, by notice require the owner or person claiming to be the owner of any building or land which by reason of abandonment or disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice

Cultivation, use of manure or irrigation, injurious to health after prohibition

113 (1) The Chief Commissioner may on the joint report of the District Magistrate and the Civil Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop the use of the manure or the

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[a] As to appeal from orders under Section 111, see Sec 120 *infra*.

irrigation so reported to be injurious or regulate it by imposing such conditions thereon as may prevent the injury

Provided that when on any land to which the notification applies that description of crop has been cultivated that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation

(2) If any person cultivates uses manure or irrigates in disregard of the prohibition or conditions notified under sub section (1) he shall be punished with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued

Offensive and Dangerous Trades

114 (1) The owner or occupier of every place within the municipality used for any of the following purposes namely — Regulation of offensive and dangerous trades

melting tallow or

boiling bones offal or blood or

as a soap house oil boiling house dyeing house or tannery or

as a brick kiln pottery or lime kiln or

as any other manufactory or place of business from which offensive or unwholesome smells arise or

as a yard or depot for trade in hay straw thatching grass wood or coal or other dangerously inflammable material, or as a store house for kerosine petroleum naphtha or any inflammable oil spirit or explosive substance,

shall register the same in a book to be kept by the committee for the purpose

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood

pality for a period not exceeding twenty four hours or for a service which would ordinarily be performed within twenty four hours,

(c) For securing a proper registration of births marriages and deaths, and for the taking of a census,

(d) For fixing and from time to time varying the number of persons who may occupy a building or part of a building which is let in lodgings,

for the registration and inspection of such buildings,

for promoting cleanliness and ventilation in such buildings

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings,

and generally for the proper regulation of such buildings

(e) For the inspection and proper regulation of encamping grounds, pounds serais markets and slaughter houses,

(f) For the holding of fairs and industrial exhibitions within the municipality and under its control,

(g) For controlling and regulating the use and management of burial and burning grounds

(h) For the supervision and regulation of public wells tanks springs or other sources from which water is or may be made available for public use

(i) Where the collection of an octroi tax has been sanctioned for fixing octroi limits for the purpose of collecting that tax, and

(j) Generally for carrying out the purposes of this Regulation

Provided that the committee of a municipality in which the Hackney Carriage Act 1879 is in force shall not make rules under clauses (a) and (b) in respect of any vehicles to which that Act applies. XIV of 1879

(2) In making any rule under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues

(3) No rule made under this section shall come into force until it has been confirmed by the Chief Commissioner and published for such time and in such manner as the Chief Commissioner may prescribe in this behalf

Supplemental

Execution of acts required to be done by any notice

117 (1) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation it shall fix a reasonable time for doing the same

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building the committee may after six hours notice by its officers cause the act to be done

Recovery of costs of execution

118 (1) Where under this Regulation the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement and the committee executes the work the committe may recover the cost of the work from the person in default

(2) If the person in default is the owner the committee may by way of additional remedy recover the whole or any part of the cost from the occupier and in such case the occupier may deduct any sum paid by him under this sub section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made or otherwise recover it from the owner

(3) Provided that an occupier shall not be required to pay under the last sub section any greater sum than the amount of rent which is for the time being due from him to the owner or which after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded becomes payable by him to the owner unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable, but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand or which has since accrued due shall lie on the occupier

(4) All money recoverable by a committee under this section may be recovered either by suit or on application to a Magistrate having jurisdiction

within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable and if payable by the owner of property, shall until it is paid be a charge on the property

(5) Nothing in this section shall affect any contract between an owner and an occupier

119 (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee its officers and servants under this Regulation and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised — *Compensation out of municipal fund.*

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3 8 to 42, 51 to 53 and 56 to 59 [a] so far as they can be made applicable

X of 1870

120 (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 90 91 111 or 115 may appeal within thirty days from the date thereof to the District Magistrate and no such order shall be liable to be called in question otherwise than by such appeal — *Appeals against certain orders of committee.*

Provided that if in the latter case the District Magistrate is himself a member of the committee the appeal shall lie to the Commissioner

(2) The appellate authority may for sufficient cause extend the period hereby allowed for appeal

(3) The order of the appellate authority confirming setting aside or modifying the order appealed against shall be final

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard

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[a] This reference should now be read as applying to Act I of 1894 (see Section 2 Supra page 467) by which Act X of 1870 was repealed and its corresponding sections

(3) No rule made under this section shall come into force until it has been confirmed by the Chief Commissioner and published for such time and in such manner as the Chief Commissioner may prescribe in this behalf

Supplemental

Execution of acts required to be done by any notice

117 (1) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation it shall fix a reasonable time for doing the same

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done

Recovery of costs of execution

118 (1) Where under this Regulation the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committe may recover the cost of the work from the person in default

(2) If the person in default is the owner the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner

(3) Provided that an occupier shall not be required to pay, under the last sub section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable, but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due shall be on the occupier

(4) All money recoverable by a committee under this section may be recovered either by suit or, on application to a Magistrate having jurisdiction

within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property, shall, until it is paid, be a charge on the property

(5) Nothing in this section shall affect any contract between an owner and an occupier

119 (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee its officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised Compensation out of municipal fund

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53 and 56 to 59, [a] so far as they can be made applicable

X of 0

120. (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 115 may appeal within thirty days from the date thereof to the District Magistrate and no such order shall be liable to be called in question otherwise than by such appeal Appeals against certain orders of committee.

Provided that if in the latter case the District Magistrate is himself a member of the committee the appeal shall lie to the Commissioner

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal

(3) The order of the appellate authority confirming setting aside or modifying the order appealed against shall be final

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard

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[a] This reference should now be read as applying to Act I, of 1894 (see Section 2 Supra, page 402) by which Act X of 1870 was repealed and its corresponding sections

CHAPTER VII

OFFENCES AFFECTING THE PUBLIC HEALTH SAFETY OR CONVENIENCE

Depositing or throwing earth or materials or refuse rubbish or offensive matter on roads or into drains

121 Whoever without permission of the committee or in disregard of its orders throws or deposits or permits his servants or members of his household under his control to throw or deposit earth or materials of any description or refuse rubbish or offensive matter of any kind upon any street or public place or into any public sewer or drain or any drain communicating therewith shall be punished with fine which may extend to twenty rupees

Discharging sewage

122 Whoever without the permission of the committee causes or allows the water of any sink sewer or cesspool or any other offensive matter to flow drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose shall be punished with fine which may extend to twenty rupees

Non removal of filth &c

123 Whoever being the owner or occupier of any building or land keeps or allows to be kept for more than twenty four hours or otherwise than in some proper receptacle any dirt dung bones ashes night soil or filth or any noxious or offensive matter in or upon such building or land or suffers any such receptacle to be in a filthy or noxious state or neglects to employ proper means to cleanse and purify the same shall be punished with fine which may extend to twenty rupees

Making or altering drains without authority

124 Whoever without the permission of the committee makes or causes to be made or alters or causes to be altered any drain leading into any public sewer or drain under the control of the committee shall be punished with fine which may extend to fifty rupees

Penalty for making or keeping latrines &c near any source of water supply

125 Whoever makes without the permission of the committee or keeps for a longer time than one week after notice to remove issued under section 104 any drain latrine urinal cesspool or other receptacle for filth or refuse within fifty feet of any spring well tank reservoir or other source from which water is or may be derived for public use shall be punished with fine which may extend to twenty rupees and when a notice has issued with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

126 Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance or keeps any other animals so as to be injurious to health or to become a nuisance shall be punished with fine which may extend to twenty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued

Keeping animals so as to be injurious to health

127 Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances filth or refuse of any kind shall be punished with fine which may extend to fifty rupees

Feeding animals on deleterious substances

128 Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary shall be punished with fine which may extend to twenty rupees

Driving vehicles without proper light

129 Whoever discharges firearms or lets off fire works or fire balloons or engages in any game in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be punished with fine which may extend to twenty rupees

Discharging firearms &c

130 Whoever being an elephant driver or camel driver omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse whether ridden or driven shall be punished with fine which may extend to twenty rupees

Control of elephants and camels

131 Whoever contrary to any orders of the committee takes an elephant along a street shall be punished with fine which may extend to twenty rupees.

Taking elephants along streets

132 Whoever being the owner or person in charge of any dog which is likely to annoy or intimidate passengers neglects to restrain it so that it shall not be at large without a muzzle in any street or public place shall be punished with fine which may extend to twenty rupees.

Suffering dogs to be at large

133 Whoever without the written permission of the committee alters obstructs or encroaches upon any street or public sewer, drain or

Altering obstructing or encroach

ing upon streets &c

water course, or displaces takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees

Quarrying, blasting cutting timber or building

134. Whoever quarries blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees

Picketing animals and collecting carts

135 Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting place for vehicles or animals of any description or as a place of encampment or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees

Carrying corpses by prohibited routes or so as to cause annoyance

136 Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punished with fine which may extend to ten rupees

Destroying direction posts, lamp posts &c

137 Whoever without being authorized by the committee, defaces or disturbs any direction post or lamp post, or extinguishes any light in any street or public place, shall be punished with fine which may extend to twenty rupees

Penalty for disobedience to orders of committee under Chapter VI

138 Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by Chapter VI, or any written notice lawfully issued by it under the powers so conferred or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation

139 A prosecution for an offence under section 90, section 115 or section 138 when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections. Prosecution to be suspended in certain cases.

CHAPTER VIII

CONTROL.

140 The Commissioner or the District Magistrate, when he is not a member of the committee may— Control by Commissioner or District Magistrate.

(a) Enter on and inspect or cause to be entered on and inspected any immoveable property occupied by any committee or joint committee or any work in progress under the direction of a committee or joint committee,

(b) By order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee

(c) By order in writing require any committee or joint committee to furnish such statements accounts reports and copies of documents relating to its proceedings or duties as he thinks fit to call for and

(d) Record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties

141. (1) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee or prohibit the doing of any act which is about to be done, or is being done in pursuance of, or under cover of, this Regulation, if, in his opinion, the resolution, order, or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons Power to suspend action by committee or joint committee.

(2) When the Commissioner or the District Magistrate makes any order under this section he shall forthwith forward a copy thereof with a statement of his reasons for making it if the Magistrate to the Commissioner, if the Commissioner to the Chief Commissioner who may thereupon rescind the order, or direct that it continue in force with or without modification permanently or for such period as he thinks fit

Extraordinary powers of District Magistrate in case of emergency

142 (1) In cases of emergency the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee

(2) If the expense is not so paid the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as is from time to time possible, from that balance in priority to any or all other charges against the same

(3) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section

Powers of Chief Commissioner in case of default of committee

143 (1) If at any time it appears to the Chief Commissioner that a committee has made default in performing any duty imposed on it by or under this Regulation or any other law the Chief Commissioner may by order in writing fix a period for the performance of that duty

(2) If that duty is not performed within the period so fixed the Chief Commissioner may appoint the District Magistrate to perform it and may direct that the expense of performing it shall be paid, within such time as he *may fix to the Magistrate by the committee*

(3) If the expense is not so paid, the District Magistrate with the previous sanction of the Chief Commissioner, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as is from time to time, possible, from that balance, in priority to any or all other charges against the same

Power of Chief Commissioner to supersede committee in

144 (1) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds

or abuses its powers the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the official Gazette, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order

case of incompetency, persistent default or abuse of powers

(2) When a committee is so superseded, the following consequences shall ensue —

(*a*) All members of the committee shall, as from the date of the order, vacate their offices as such members,

(*b*) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner appoints in that behalf, and

(*c*) All property vested in the committee shall, during the period of supersession, vest in Her Majesty

(3) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for being members

145 (1) The Chief Commissioner may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules [a] consistent with this Regulation—

Power of Chief Commissioner to frame forms and make rules

(*a*) As to the appointment of members of a committee,

(*b*) As to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman or *who have been appointed to that office by the Chief Commissioner*,

(*c*) As to the filling of casual vacancies among elected and appointed members of a committee,

(*d*) As to the language in which business shall be transacted, proceedings recorded and notices issued,

(*e*) As to the assessment and collection of taxes imposed under this Regulation and for preventing evasion of the same,

[a] As to procedure for making rules, see sec. 150, *infra*, page 924.

(2) When the Commissioner or the District Magistrate makes any order under this section he shall forthwith forward a copy thereof with a statement of his reasons for making it if the Magistrate to the Commissioner if the Commissioner to the Chief Commissioner who may thereupon rescind the order or direct that it continue in force with or without modification permanently or for such period as he thinks fit

Extraordinary powers of District Magistrate in case of emergency

142 (1) In cases of emergency the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee

(2) If the expense is not so paid the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as is from time to time possible from that balance in priority to any or all other charges against the same

(3) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section

Powers of Chief Commissioner in case of default of committee

143 (1) If at any time it appears to the Chief Commissioner that a committee has made default in performing any duty imposed on it by or under this Regulation or any other law the Chief Commissioner may by order in writing fix a period for the performance of that duty

(2) If that duty is not performed within the period so fixed the Chief Commissioner may appoint the District Magistrate to perform it and may direct that the expense of performing it shall be paid within such time as he may fix to the Magistrate by the committee

(3) If the expense is not so paid the District Magistrate with the previous sanction of the Chief Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as is from time to time, possible from that balance in priority to any or all other charges against the same

Power of Chief Commissioner to supersede committee in

144 (1) If a committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds

(*p*) As to the returns statements and reports to be submitted by committees,

(*q*) As to the publication of notices and

(*r*) Generally for the guidance of committees and public officers in all matters connected with the carrying out of this Regulation

(2) In making rules under sub section (1) clause (*e*) the Chief Commissioner may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees

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CHAPTER IX

SUPPLEMENTAL

146 (1) If any member officer or servant of a committee is otherwise than with the permission in writing of the Commissioner directly or indirectly interested in any contract made with the committee he shall be deemed to have committed an offence under section 168 of the Indian Penal Code

Penalty on member officer or servant of committee being interested in contract made with committee

(2) A person shall not by reason of being a shareholder in or member of any incorporated or registered company be held to be interested in any contract entered into between the company and the committee but he shall not take part in any proceedings of the committee relating to any such contract

147 (1) No suit shall be instituted against a committee or against an officer of a committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been in the case of a committee left at its office and in the case of an officer delivered to him or left at his office or place of abode stating the cause of action and the name and place of abode of the intending plaintiff, and the plaint must contain a statement that such a notice has been so delivered or left

Suits against committees and their officers.

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act 1877

(*f*) As to the authority on which money may be paid from the municipal fund,

(*g*) As to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise,

(*h*) As to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill,

(*i*) As to the intermediate office or offices, if any, through which correspondence between committees and the Chief Commissioner or his officers and representations addressed to the Chief Commissioner under this Regulation shall pass,

(*j*) As to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought

(*k*) As to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality,

(*l*) As to the priority to be given to the several duties of the committee

(*m*) As to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned,

(*n*) As to the accounts to be kept by committees as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Regulation, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge,

(*o*) As to the preparation of estimates of income and expenditure of committees, and as to the authority by whom and the conditions subject to which, such estimates may be sanctioned,

(*p*) As to the returns, statements and reports to be submitted by committees,

(*q*) As to the publication of notices, and

(*r*) Generally for the guidance of committees and public officers in all matters connected with the carrying out of this Regulation

(2) In making rules under sub section (1) clause (*e*) the Chief Commissioner may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees

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CHAPTER IX

SUPPLEMENTAL

Penalty on member, officer or servant of committee being interested in contract made with committee

146 (1) If any member, officer or servant of a committee is otherwise than with the permission in writing of the Commissioner directly or indirectly interested in any contract made with the committee he shall be deemed to have committed an offence under section 168 of the Indian Penal Code

(2) A person shall not by reason of being a shareholder in or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the committee but he shall not take part in any proceedings of the committee relating to any such contract

Suits against committee and its officers.

147 (1) No suit shall be instituted against a committee or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been in the case of a committee left at its office and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff, and the plaint must contain a statement that such a notice has been so delivered or left

7 Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act 1877

(2) A suit against an officer of a committee in respect of an act purporting to be done by him in his official capacity shall be instituted within three months next after the accrual of the cause of action and not afterwards.

Liability of members for loss, waste or misapplication

148 Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Secretary of State for India in Council.

Acquisition of land under Act X of 1870

149 Where any land, whether within or without the limits of a municipality, is required for the purposes of this Regulation, the Chief Commissioner may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act [1] 1870, and on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

Procedure for making rules

150 (1) The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in such manner as the Chief Commissioner may direct, and such publication shall be conclusive proof that the rule has been made as required by this section.

Prosecutions

151 A Court shall not take cognizance of an offence punishable under this Regulation or the rules made under this Regulation except on the complaint of the committee or of some person authorized by the committee in this behalf.

Saving of prosecutions under other laws

152 Nothing in this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or the rules made under it, or from being

[1] The reference should now be read as applying to Act I of 1894, by which Act X of 1870 was repealed.

liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or the rules made under it

Provided that a person shall not be punished twice for the same offence

153 Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered on application to a Magistrate, having jurisdiction within the limits of the municipality by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable

Recovery of taxes &c

154 The Chief Commissioner may by notification and in such other manner as he may determine declare his intention—

Notification of intention to alter limits of municipality

(a) To exclude from a municipality and local area comprised therein and defined in the notification or

(b) To include within a municipality and local area in the vicinity of the same and defined in the notification

Provided that where the local area is a military cantonment or part of a military cantonment a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council

155 (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 154 may if he objects to the alteration proposed submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification and the Chief Commissioner shall take the objection into consideration

Alteration of limits of municipality

(2) When six weeks from the publication of the notification have expired and the Chief Commissioner has considered the objections (if any) which have been submitted under sub section (1) the Chief Commissioner may, by notification exclude the local area from the municipality or include it therein as the case may be

156 (1) When a local area is excluded from a municipality under section 155—

Effect of exclusion of local area from municipality

(a) This Regulation and all rules orders directions and powers made issued or conferred under this Regulation shall cease to apply thereto, and

(*b*) The Chief Commissioner shall after consulting the committee frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council and on the publication of the scheme in the official Gazette the property and liabilities shall vest and be apportioned accordingly

(2) All property vested in Her Majesty under sub section (1) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council under that sub section or for the promotion of the health comfort convenience or interest of the inhabitants of the local area

Effect of including local area in municipality

157 When a local area is included in a municipality under section 155 this Regulation and all rules orders directions and powers made issued or conferred under this Regulation and in force throughout the whole municipality at the time the local area is so included shall apply to the local area

Power exercisable from time to time

158 All powers conferred by this Regulation on the Governor General in Council or on the Chief Commissioner may be exercised from time to time as occasion requires

Saving of Act XI of 1879

159 Nothing in this Regulation shall affect the Local Authorities Loan Act, 1879

Member of committee to be municipal commissioner

160 Every member of a committee constituted under this *Regulation* shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force

Vacancies and irregularities not to invalidate proceedings.

161 Anything done or any proceeding taken under this Regulation shall not be questioned on account of any vacancy in a committee or joint committee or on account of any defect or irregularity not affecting the merits of the case.

CHAPTER X

EXCEPTIONAL PROVISIONS

Power to except municipalities from operation of provisions of Regulation regarding election.

162. (1) If it appears to the Chief Commissioner that the circumstances of any municipality are such that the provisions of this Regulation requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Chief Commissioner may, by notification except the municipality, wholly or in part, from the operation of those provisions, and thereupon those provisions shall not apply, or shall only apply in part as the case may be, to the excepted municipality until again applied thereto by a like notification of the Chief Commissioner

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existance unless its issue has been sanctioned by the Governor General in Council

(2) While the municipality continues to be excepted wholly or in part, from the operation of the provisions mentioned in sub section (1) the Chief Commissioner may appoint such of the members of the committee as would otherwise have been elected

Power to withdraw municipal area altogether from operation of this Regulation or Act XV of 1873.

163 (1) The Chief Commissioner may, with the previous sanction of the Governor General in Council by notification, withdraw from the operation of this Regulation [a] the area of any municipality constituted under this Regulation [a]

(2) When a notification is issued under this section in respect of any municipality this Regulation [a] and all rules bye laws orders directions and powers made, issued or conferred thereunder shall cease to apply to the local area comprised in the municipality the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in Her Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council

(3) All property vested in Her Majesty under sub section (2) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council by the sub section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality

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[a] Portions repealed by Regulation IX of 1893 are omitted.

NOTIFICATIONS

[1] *No* 1406 702—*Dated Abu the 22nd December 1886*

Under the powers vested in him by section 5 of the Ajmere Municipalities Regulation No V of 1886 the Chief Commissioner of Ajmere Merwara is pleased to hereby apply the said Regulation to the local areas comprised respectively within the limits of the municipalities of Ajmere and Beawar constituted under the North Western Provinces and Oudh municipalities Act No XV of 1873

No 1408 702,—*Dated Abu, 22nd December 1886*

Under section 5 of the Ajmere Municipalities Regulation 1886 the Chief Commissioner of Ajmere Merwara is pleased to apply the said Regulation to the local area comprised within the limits of the Kekri municipality established under the North Western Provinces and Oudh municipalities Act, 1873

Under sub section 1 of section 162, of the aforesaid Regulation the Chief Commissioner is further pleased to except the Kekri Municipality wholly from the operation of the provisions of the Regulation regarding election

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[1] Government of India Gazette, Part II, 8th January 1887, page 14

NOTIFICATION BY THE CHIEF COMMISSIONER AJMERE MERWARA, IN THE PUBLIC WORKS DEPARTMENT

No 3270 *S dated* 26*th December* 1882

Under section 5 of Act XV of 1873 (North-Western Provinces and Oudh Municipalities Act) [1] the following are defined to be the limits of the Ajmere Municipality in the District of Ajmere Merwara for the purposes of the Act

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AJMERE MUNICIPALITY

INNER CORDON

West —From a point at 2 miles 1 furlong from Post Office on the Pushkur Road to Lakhshmi Pole Gate thence following the road round Taragurh, to the Military Road to Nusseerabad

South —Following the Military Road to a point 3 miles 5 furlongs, 130 feet, on the Ajmere and Nusseerabad Road

East —From a point 3 miles, 5 furlongs, 130 feet Ajmere and Nusseerabad Road, along the ridge of hills, east of Balapura and Kirampura villages, to a point due east of Kirampura tank bund thence along tank bund and along the top of the Madar Hill crossing the inner Forest boundary, and meeting the outer Forest boundary at the other end of the ridge—Thence following the boundary for ¼ mile and then crossing Agra Road at the junction of old Circular Road still following ridge of hill to the beginning of the Ana Sagar catchment on the east side

North —From the east corner of Ana Sagar catchment following watershed of Ana Sagar tank, to a point south west of Lohagal village, from thence to a point due north of the Shahjehani Bagh to where it joins the Pushkur Road, at a distance of 2 miles 1 furlong from Post Office

This boundary line includes all land within its limits excepting only the Cantonment

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[1] Repealed in Ajmere Merwara by the Ajmere Municipalities Regulation V of 1 51

OUTER CORDON

Starts on the east from the begining of the Ana Sagar catchment following a proposed channel marked out with stones, to the junction of another proposed channel West of Naogaon, thence following the proposed channel, and passing to the east of Makarwali village it follows the ridge of hills to a point 1 furlong west of Padampura village Thence the line takes a south-westerly direction, following the line of hills to south Hokran village

Thence it crosses the Valley in a south easterly direction to the Nag Pahar ridge of hills, which it follows to a point north of Kharekri village, from thence along watershed of Ana Sagar to the beginning of Ajeypal channel Thence following the ridge of hills to the South west of Ajaisar and Kazipura until it joins the inner cordon about ½ mile west of Taragurh Hill

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BEAWAR MUNICIPALITY

North —The rivers known as the Jalia and Balap Nadies, to a point where they meet to the east of the road to old Beawar

East —The Balad Nadie above mentioned, to a point north east of the junction of the Balad and Shivpura Road

South-East —The above mentioned Balad Road to the Circular Road which branches off to the west by the village of Sedurin

South.—The Circular Road from the village of Seduria, to the point where it joins the road, which passing by the Chang Gate of the city, leads towards the new Jalia Tank

West —A straight line drawn from the western end of the southern boundary, to a point where the country tract leading to Nondree crosses the Jalia river. Provided that nothing hereinbefore contained shall extend the jurisdiction of the Municipality to that plot of land now occupied by the detachment of the Merwara Battalion stationed at Beawar, *viz*, a rectangular plot of land to the east of, and adjoining the road running towards old Beawar enclosed between four masonry pillars marked respectively 1, 2, 3, and 4

NOTIFICATION

[a] *No 2938 S, dated the 26th October,* 1894

In exercise of the authority conferred by sections 154 and 155 of the Ajmere Municipalities Regulation V of 1886, the Chief Commissioner of Ajmere Merwara is pleased to include within the limits of the Beawar Municipality the area comprised within the boundaries described beneath —

On the west a line drawn from boundary pillar No 4 near the road leading to Chang to the Moondri Rapat on the river Jalia

On the north a line drawn from the Moondri Rapat to the junction of Jalia and Bulad rivers following the bed of the former river

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KEKRI MUNICIPALITY

A cordon of pillars erected at a distance of 792 feet from the town walls

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[a] Gazette of India dated 3rd November 1894 part II p 1029

d—Being a resident of the ward is assessed to an Imperial or Municipal tax in a sum not less than twenty-five rupees a year

e—Advocate or licensed pleader or a licensed Mukhtar

f—A graduate of any University

III Every person so qualified shall be entitled to be registered as an elector unless he has been convicted of any offence, or subject to any order of a Criminal Court, which in the opinion of the District Magistrate, implies a defect of character which unfits him to be an elector

IV No person shall be an elector for more than one ward or sub-ward Any person who is qualified under Rule II to be an elector for more than one ward or sub-ward shall be at liberty to choose in respect of which of the wards or sub wards for which he is qualified to vote he will exercise his privilege

V Every elector is qualified to be a candidate for election as representative for any one ward or sub ward provided that he

a—Does not hold any place of profit in the gift or disposal of the Municipal Board, or,

b—Has not been proscribed by the Government from being employed in its service

VI It shall be open to the District Magistrate, for reason to be recorded by him at the time, to remove any name from the list of electors

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REGISTRATION OF ELECTORS

VII The list of electors shall be revised triennially Copies of the revised lists shall be published after signature by the District Magistrate, by being posted at the District Katchery, the Municipal Office, the City Police Station, and conspicuous places in each ward or sub ward With the list shall be published a notice stating that the roll of electors will be finally settled on a specified date, not being later than twenty one days from the date of publication of the notice, and inviting persons desiring the addition to or removal from the list of any name or names to present applications to that effect, accompanied by the reasons on which the applications are based, not later than four days previous to the date in question

VIII On the date fixed under Rule VII the District Magistrate, or some officer appointed by him, shall take into consideration all petitions which may have been presented, and shall amend the list as may appear necessary, with reference to the above rules

IX. All orders passed by the District Magistrate under Rules VI and VIII. shall be final An appeal shall lie to the District Magistrate from any order passed under Rule VIII by any officer appointed by him

X The revised lists shall be finally completed by 1st November, and shall come into operation on 15th idem, and shall continue in operation until a new list shall have been completed

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NOMINATION OF CANDIDATES

XI Every candidate for the office of Municipal Commissioner shall be nominated in writing

XII The nomination paper shall be subscribed by two electors of the ward or sub-ward as proposer and seconder, and by three other electors of the ward or sub ward, as assenting to the nomination

XIII Each candidate shall be nominated by a separate nomination paper, but the same proposer and seconder may subscribe any number of nomination papers not exceeding the number of persons to be elected for the ward or sub ward

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XIV The nomination paper shall be in the following form —

MUNICIPALITY OF AJMERE

Election of   to be held on the   day of   189

We, the undersigned being electors registered in the ward or sub ward roll or the said ward or sub ward hereby nominate the following person as a candidate at the election —

Name	Description	Abode	Occupation

A B
C D

We the undersigned being electors registered in the ward or sub ward roll for the said ward or sub ward hereby assent to the nomination of the above named person as a candidate at the said election

E F
G H
I J

XV Every nomination paper subscribed as aforesaid shall be delivered personally at or forwarded in a registered cover by the candidate or by his proposer or seconder to the District Magistrate s Office fourteen days at least before the election day and before 4 p m of the last day for delivery of nomination papers

XVI As soon as may be after the nomination paper has been delivered, the Secretary to the Municipality shall send notice of the nomination to the person nominated and inscribe his name in a list which shall be fixed up in the Head Municipal Office

XVII The list of candidates shall be completed by 7th December and shall be published immediately after that date by the District Magistrate in the way provided in Rule VII for the publication of lists of electors

ELECTION OF CANDIDATES

XVIII The date on which the elections are to take place shall be fixed by the District Magistrate and shall be not later than one week after the publication of the lists prescribed in Rule XVII

The District Magistrate shall fix one or more polling places for each ward or sub ward and shall appoint one or more officers to conduct the elections at each polling place Provided that no person not being a gazetted officer shall be appointed as polling officer who is an elector for the ward or sub ward in which the polling place is situated or is a candidate for election in any ward or sub ward

XIX The polling place shall be open on the day of election from 7 to 11 a m and from 2 to 5 p m It shall be competent for the District Magistrate to keep the poll open for two successive days at the hours stated in this Rule

XX On the day of election each intending voter shall as he arrives at the polling place receive a printed voting paper in the following form —

Vote for the election of Municipal Commissioner for the Municipal district (or ward or sub ward) of—

Name of candidate voted for	Signature or mark of voter	Address of voter with his number on the list of electors

Signed in my presence

(Sd). Polling Officer

Municipalities.]

[illegible]

XXI. Every elector shall be at liberty to vote for any number of candidates not exceeding the number of representatives fixed for his ward or sub-ward.

XXII. In all cases votes must be given in person. If a voter is able to read and write he shall fill up and sign the voting paper in the presence of the Polling Officer; otherwise the paper shall be filled by the Polling Officer or by one of his assistants under his direction, at the voter's dictation, and the voter shall affix his mark thereto. No vote shall be received by the Polling Officer from any person whose name is not on the revised list of voters last published.

XXIII. The Polling Officer shall satisfy himself of the identity of persons presenting votes, and may refuse, for reasons to be recorded by him in writing, the vote of any person who declines to answer any reasonable question put to him for this purpose, or whose identity is not established to his satisfaction.

XXIV. Each person whose vote is accepted by the Polling Officer shall drop his voting paper, in the presence of the Polling Officer, into a box which has been previously locked and sealed in the presence of the District Magistrate and Chairman of the Municipality, boxes for this purpose being provided by the Municipality. As the paper is placed in the box, the Polling Officer shall check off the voter's name on the ward list.

XXV. At the close of the day's voting the ballot boxes shall be brought to the District Magistrate or to a subordinate Magistrate appointed for the purpose, by whom they shall be opened on the morning following the close of the poll, and the votes counted.

XXVI. When the votes have been counted, the District Magistrate shall declare the result of the elections.

XXVII. The newly-elected Municipal Commissioners shall enter upon office on 1st April following the election.

After a [illegible] a member may take his seat on the Committee as soon as his election has been approved.

PENALTIES.

XXVIII Every person who:—

(1) Alters any roll list, or other document in contravention of these rules, or,

(2) Wilfully makes a false answer to a question put to him under rule XXIII. of these rules, or,

(3) Practises fraud, intimidation, personation, or bribery at an election, or,

(4) Obstructs, or in any way interferes with the examination and *counting of votes by a returning officer, or,*

(5) When a summons or notice in connection with an election petition has been issued for service, or served on him commits any such contempt as is described in sections 172, 173, 174, 175, 178, 179, or 181 of the Indian Penal Code, or,

(6) Defaces, injures, disturbs, or removes any copy, notice, or other document fixed up under these rules on the Municipal Hall or in a ward or sub-ward, or,

(7) Being required by these rules to do any act or take any proceeding, neglects or refuses to do or take it, shall be punished with fine which may extend to ten rupees

ELECTION RULES FOR BEAWAR MUNICIPALITY.

[a] RULES MADE UNDER SECTION 10, CLAUSE 1, OF THE AJMERE MUNICIPALITIES REGULATION 1886, FOR THE MUNICIPALITY OF BEAWAR

1 For the purposes of representation the Beawar Municipality shall not be divided into wards, but shall be treated as a whole with special reference to the requirements of three classes *viz* Hindus, Muhammadans and Christians.

The number of representatives for the whole Municipality shall be fifteen, of whom not less than nine shall be Hindus not less than four *Muhammadans and not less than two Christians.*

2 The qualifications of electors and candidates for election to be as follows —

Electors —All male inhabitants who are not less than twenty-one years of age paying a minimum rent of Rs 3 per mensem or in possession of immovable property *situate within Municipal* limits to the value of not less than Rs 500

Candidates for election —All male inhabitants who are not less than twenty one years of age paying a minimum rent of Rs 6 per mensem, or in possession of immovable property situate within the limits of the Municipality to the value of not less than Rs 1,000

Provided, in the case of the latter, (1) they are able to read and write English Hindi or Urdu, and (2) that they shall have resided within the limits of the Municipality for a term not less than one year

Provided also in the case of both electors and elected, that such person has not been convicted of any offence or subjected to any order of a Criminal Court which in the opinion of the Assistant Commissioner implies a defect of character which unfits him to be an elector or member of the Municipal Committee

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[a] Sanctioned as per Chief Commissioner's Notification No 1588 S dated the 8th July 1887 Gazette of India part II p 136

3 The existing lists of electors and of candidates eligible for election shall be amended under the orders of the Assistant Commissioner so as to bring them into accordance with the above rule

Copies of the revised lists shall be published under the signature of the Assistant Commissioner by being posted at the District Cutchery, the Police Chowkies, and other places of public resort

With the lists shall be published a notice stating that the lists will be finally settled on a specified date, not being later than fourteen days from the date of publication of the notice, and inviting persons desiring the addition to or removal from the lists of any name or names to present application to *that effect accompanied by the reasons on which the applications are based* not later than the day previous to the date in question

4 On the date fixed under the last preceding rule the Assistant Commissioner or some other officer appointed by him shall take into consideration all petitions which may have been presented and shall amend the lists as may appear necessary with reference to the above rules

5 It shall be open to the Assistant Commissioner for reasons to be recorded by him, at any time to remove any name from the lists of electors or candidates eligible for election

6 All orders passed by the Assistant Commissioner under rules 4 and 5 shall be final

An appeal shall lie to the Assistant Commissioner from any order passed under Rule 4 by any officer appointed by him

7 The lists of electors and of candidates eligible for election shall be revised annually in the manner herein prescribed

8 As soon as possible after the lists have been settled by the Assistant Commissioner, that officer shall cause copies of them to be posted up at the District Cutchery Police Chowkies and other places of public resort as may be determined by the Assistant Commissioner

In like manner he shall cause to be published a copy of Rule 9 of these rules with full information as to the places and times of election and the manner to be regulated by the Assistant Commissioner in which votes are to be taken

9 On the day fixed by the Assistant Commissioner for the election, every elector desiring to vote for any person or persons shall bring or send to such officer as the Assistant Commissioner shall appoint for this purpose a list verified by his signature of the persons for whom he desires to vote Every elector shall be at liberty to vote for any number of persons not exceeding the number fixed for his community under rule 1

10 The voting papers shall be scrutinized and may be amended under the orders of the Assistant Commissioner so as to bring them into conformity with these rules, and within two days after the date fixed for the election shall be brought to that officer, in whose presence the votes shall be counted.

11 When the votes have been counted the Assistant Commissioner shall declare the result of the election

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RULES FRAMED UNDER SECTION 34 SUB SECTION 1 OF THE AJMERE MUNICIPALITIES REGULATION 1886 PASSED AT A SPECIAL MEETING OF THE COMMITTEE ON THE 9TH 19TH AND 23RD FEBRUARY AND 14TH MARCH 1889 AND REVISED AT A SPECIAL MEETING OF THE COMMITTEE HELD ON THE 27TH JANUARY 1892

I—Ordinary Meetings of the General Committee shall be held at the Municipal Office on the second Monday of every month or on any other day or days to be determined by the Chairman or in his absence by the Vice Chairman of the Committee who will fix the hour of meeting

Time and place of meeting

II—Four days at least before a meeting whether Ordinary or Special (except in case of emergency when 12 hours notice shall be sufficient) a notice to attend specifying the day hour and place of meeting signed by the Secretary, shall be circulated in English Urdu and Hindi

Manner in which notice of meeting shall be given

III—The notice to attend shall be accompanied by an Agenda paper and *no business other than that entered in the Agenda shall be transacted* Under special circumstances, and with the consent of the majority of the members present any urgent business although not in the Agenda may be discussed but not voted on

IV—The Secretary shall three days before any meeting other than an emergent one lay upon the table of the Municipal Office all papers relating to the business to be transacted at such meeting so as to give members an opportunity of perusing them before the meeting The Agenda and important papers thereon should be translated into the vernacular

V—No business shall be transacted at an Ordinary meeting unless at least ⅓rd of the existing Committee is present from the beginning to the end thereof In calculating the one third fractions will be omitted—*eg*, with 19 members on the Committee six, and with 20 seven will form a quorum

VI—In case there is no quorum within half an hour from the time fixed, the meeting shall be dissolved and adjourned to any other day and hour to be fixed by the Chairman

VII—No member shall be represented at a meeting by proxy

Conduct of proceedings VIII —With the consent of the majority of the members present at any meeting the Chairman may give priority to any item or items of business irrespective of the order in which such item or items stands or stand on the Agenda paper

IX —Every motion or amendment with the names of mover and seconder shall be presented in writing No speech can be read without the permission of the meeting

X —The Chairman shall regulate the course of all business to be brought forward and shall decide all points of order or procedure

XI —Any member may submit a point of order to the Chairman but there shall be no discussion on any such point unless the Chairman thinks fit to ask the members present for their opinion thereon

XII —A member desiring to speak must rise in his place and address himself to the chair and no interruption to his speech should be permitted except upon a point of order suddenly arising A member while speaking if requested by the Chairman to sit down should at once resume his seat

XIII —In case of more than one member rising to speak at the same time the Chairman shall name the member who is to speak

XIV —If a member be called to order such member shall be required by the Chairman to resume his seat until the Chairman decides the point of order provided that the Chairman may allow the member called to order to speak on the point of order raised.

XV —If there be any refusal on the part of the meeting to obey the ruling of the Chairman on a point of order or if disorder should arise on any other account whatever it shall be competent to him to adjourn the meeting, and by that declaration of adjournment the meeting is immediately adjourned and no business subsequently transacted will be valid or will appear in the minutes.

XVI —A member who proposes to move any substantive motion or resolution shall send the proposal in writing together with the name of the seconder to the Secretary at least four clear days before the date of the meeting at which such motion or resolution is to be brought forward in order to admit

of the publication of the said proposition with the list of the business to be transacted at the said meeting

XVII.—The mover of a substantive motion shall, if he desires, speak first in support of the motion Then the seconder may speak, but the seconder may, if he desires reserve his speech for a later period of the debate

XVIII.—No member shall speak twice to a question except in explanation or reply A member who has spoken may be again heard to clear up misunderstanding in regard to some material part of his speech, but he is not to introduce new matter or to interrupt a member who is speaking A reply is allowed to the mover of a substantive motion but not to the mover of an amendment After the mover has commenced his reply no other member shall speak to the question

XIX.—All questions from one member to another relating to the business of the meeting shall be put through the Chairman

XX.—Whenever an amendment is made upon any motion, no second amendment shall be taken into consideration until the first amendment is disposed of If that amendment be carried it shall then be put as an original motion upon which a further amendment may be moved If the first amendment be negatived then a further amendment may be moved to the original question but only one amendment shall be submitted to the Committee for discussion at one time

XXI.—A motion or amendment cannot be withdrawn save with the consent of the meeting

XXII.—A member who has already spoken to a motion before the meeting, is not thereby debarred from speaking to an amendment to the motion, provided that in so doing he confines himself strictly to the fresh matter introduced by the amendment.

XXIII.—As a rule the number of votes for and against shall be entered in the minutes But when any member so requests the names of the voters shall be printed

XXIV.—Unless a poll is demanded by any member present at a meeting a declaration made at the meeting by the Chairman that a resolution has been passed shall be sufficient warrant for the making of an entry to that effect. If

a poll is demanded by any member present, it shall be taken in such manner as the Chairman may direct

XXV —In case of an equality of votes, the Chairman must give the casting vote

XXVI —No motion shall be entertained in regard to a question once disposed of except after the lapse of three months from the date of such disposal or except on the written application of ten members of the Committee

XXVII —All meetings shall be open to the public, who however, may be required to withdraw, if it should be deemed necessary by the meeting

The custody of the common seal and the purposes for which it shall be used

XXVIII —The common seal of the Committee, shall remain in the custody of the Secretary, and shall be used on all documents executed and all notices issued under the Municipal Regulation and Rules thereunder

XXIX —Any Municipal Commissioner desiring to inspect any Municipal record may do so in the Head Office during office hours without interference with the despatch of works. But on no account shall any record be removed from the office (except with the permission of the Chairman) This rule does *not apply to current papers.*

Standing Sub-Committees

XXX —There shall be the following Standing Sub-Committees —

1 —Octroi and Finance,

2 —Public Works

3 —Conservancy,

4 —Garden and Nazul

who shall be nominated at ordinary meetings of the Committee whenever necessary Casual vacancies shall be filled by the General Committee And the Committee may appoint Sub-Committees for any special purpose as may seem necessary The several conveners shall be appointed by the General Committee

XXXI —The number of members on the several Sub-Committees shall be —

Octroi and Finance not more than		4
Public Works	,,	5
Conservancy	,,	5
Garden and Nazul	,,	3

XXXII.—The Chairman, Vice-Chairman or Vice-Chairmen if more than one, and the Secretary (if a member of the Committee) are to be ex-officio members of the Sub-Committees.

XXXIII.—The date and hour of the meetings of Sub-Committees shall be determined by the Conveners, and the Secretary shall, as far as possible, cause to be circulated to the members of the respective Sub-Committees, with the notice of meeting, a paper of Agenda.

XXXIV.—The Conveners shall as a rule preside at all meetings of their respective Sub-Committees, but in the absence of the Convener on account of sudden emergency, the members of the respective Sub-Committees shall elect for that meeting a Chairman from among themselves.

XXXV.—Unless two members other than *ex officio* ones referred to in rule XXXII are present, the Convener shall adjourn the meeting of his Sub-Committee. A statement of the attendance of members at the various Sub-Committees shall be prepared and laid before the Meeting every three months.

XXXV A.—The rule concerning adjourned meetings shall be the same for Sub-Committees as it is for the Committee.

B.—Petitions remaining undisposed of after a period of three weeks may be disposed of by the Chairman together with the Convener or in his absence the member of the Sub-Committee acting for him; all other cases may be similarly dealt with after a period of two months.

XXXVI.—Duties of Sub-Committee of Finance.—

The Sub-Committee shall be responsible:—

(a) For preparing the annual budget estimates and regulating the supply of funds for the expected services of the year.

(b) For examining and passing bills for expenditure after proper check and only in strict conformity with rules 34 to 37 and 45 of the rules sanctioned by the Chief Commissioner, Ajmere-Merwara, in his letter in the Public Works Department No. 691 S., dated 9th March 1885;

(c) For auditing the Cash Book and Ledger and other statements and accounts which the law prescribes should be kept up and

for ensuring prompt and correct compilation of the monthly, and the year s accounts of receipts and expenditure as prescribed in rules 39 to 43 of the rules above quoted,

(*d*) For watching the monthly progress of expenditure and collections of income, in order to ensure as far as may be, that the year s budget estimate of income and expenditure shall be made good,

(*e*) For seeing that any falling off in income below the proper demand for the year including arrears brought forward from the previous years, is properly accounted for or explained,

(*f*) For subjecting the realizations of rents fines and fees to the usual external tests,

(*g*) For intelligently and searchingly bringing the realizations of octroi income and the refunds of octroi under suitable effective tests—this net income being the mainstay of the Municipality s finances.

XXXVII —In the following cases the decisions of the Sub Committees shall be final Should however, the Convener dissent he may bring forward the case for disposal by the General Committee

The Public Works Sub Committee shall have the power —

1 —To close streets temporarily Section 79

2.—To permit temporary occupation of street, &c Section 80 (The whole)

2 *a*—To order the removal of any temporary obstruction

3.—Of entry on buildings or land Section 95 (The whole)

4 —Regarding troughs and pipes for rain water Section 100 (The whole)

5 —To trim hedges and trees bordering on streets Section 109 (The whole)

The Conservancy Sub-Committee shall have the power —

6 —To attach brackets for lamps Section 81 (The whole)

7 —To name streets and number buildings Section 82 (The whole)

8 —To inspect drains, privies and cesspools Section 93 (The whole)

9 —To give effect to section 94

10 —Other powers of entry on buildings or land Section 95 (The whole)

11 —To inspect places for sale of food or drink &c to seize unwholesome articles exposed for sale, and to provide for their destruction in the following manner *viz* —

(*a*) If the value is not exceeding Rs 10 they shall be destroyed at once, and

(*b*) If the value exceeds Rs. 10 then they shall not be destroyed without sanction of the General Committee unless the Sub-Committee produce a certificate from the Civil Surgeon that the articles are unfit for consumption, in which case they may be destroyed irrespective of their value

12 —Of entry for purpose of scavenging Section 98 (Sub sections 1, 2 and 4)

13 —Regarding troughs and pipes for rain-water Section 100 (The whole)

14 —Regarding provision of privies, &c Section 101 (Sub section 1)

15 —Regarding demolition or altering of drains, &c Section 102 (Sub section 2)

16 —Regarding unauthorized buildings over drains, &c Section 103 (The whole)

17 —To require drainage, &c., of unwholesome tanks, &c. Section 105 (The whole)

Provided that if the proceeding of the Sub Committee will render the Committee liable to pay compensation which is likely to exceed rupees one hundred the superior sanction requisite under rule 35 of the rules sanctioned by the Chief Commissioner of Ajmere Merwara in his letter in the Public Works Department No 691S dated 9th March 1888 shall first be obtained

18—To require buildings wells tanks &c. to be secured Section 106 (The whole)

19—In respect of buildings &c in ruinous or dangerous state Section 107 (The whole)

20—To require owner to clear away noxious vegetation Section 108 (The whole)

21—To trim hedges and trees bordering on streets Section 109 (The whole)

22—To have buildings or lands cleansed. Section 110 (The whole)

23—To require untenanted buildings becoming a nuisance to be secured or enclosed. Section 112 (The whole)

XXXVIII—In the following cases any individual feeling himself aggrieved may within 15 days of his receiving notice of the Sub Committee's decision move the General Committee to revise that decision During that period the orders of the Sub Committee shall be in abeyance

Subject to this appeal the Public Works Sub Committee shall have power —

1—To remove or alter roof or walls made of inflammable materials in contravention of Section 83 (Last portion of Section)

2—To regulate the line of buildings. Section 84 (The whole)

Provided that if the proceeding of the Sub Committee will render the Committee liable to pay compensation which is likely to exceed rupees one hundred the superior sanction requisite under rule 35 of the rules sanctioned by the Chief Commis

sioner, Ajmere-Merwara, in his letter in the Public Works Department No 691S, dated 9th March 1888, shall first be obtained

3 —To give written directions either prohibiting erection or re-erection of buildings it deemed likely to be injurious to the inhabitants of the neighbourhood or in respect of all or any of the matters specified in clause 1 as also to require the buildings to be altered or demolished in cases mentioned in clause 2, section 85 (The whole)

Provided that if the proceedings of the Sub Committee will render the Committee liable to pay damages which is likely to exceed rupees one hundred, the superior sanction requisite under rule 35 of the rules sanctioned by the Chief Commissioner Ajmere Merwara, in his letter in the Public Works Department No 691S, dated 9th March 1888 shall first be obtained

4 – To prohibit stacking of inflammable materials Section 92 (The whole)

5 —In respect to execution of acts required to be done by any notice Section 117 (Sub section 2) and recovery of costs of execution section 118 (Sub sections 1 2 and 4)

The Conservancy Sub Committee shall have the power —

6 —To prohibit stacking of inflammable materials Section 92 (The whole)

7 —Regarding provision of privies, &c, Section 101 (The whole with the exception of Sub section 1)

8 —Regarding repair and closing of drains, privies and cesspools, Section 102 (The whole with the exception of Sub Section 2)

9 —To remove latrines, &c, near any source of water supply Section 104 (The whole)

10 —In respect of building unfit for habitation Section 111 (The whole)

11—To regulate offensive and dangerous trades Section 114 (The whole)

12—To prohibit such trades. Section 115 (The whole)

13—In respect of execution of acts required to be done by any notice. Section 117 (Sub section 2)

14—Regarding recovery of costs of execution. Section 118 (Sub-sections 1, 2, and 4)

XXXIX—Minutes of the proceedings of every meeting shall be drawn up and entered in a book kept for that purpose, and shall be signed by the Convener of the meeting.

XL—No cases finally disposed of by the Sub Committees in exercise of powers vested in them by rules XXXVII and XXXVIII shall be entered upon the Agenda to be discussed by the General Committee. In all other cases the decisions of the various Sub Committees shall be brought before the General Committee and without discussion shall be taken as read and as sanctioned, unless—at the commencement of the meeting—any member hands into the Chairman a written request that a discussion take place on any resolution

XLI—Proposals negatived by a Sub-Committee shall be dropped But any member may give notice to the Secretary at least four days before a meeting of the General Committee, that he will move for a discussion of the proposal, and such proposal being seconded shall then be entered on the Agenda paper

XLII—The power of appointment, fine, suspension or dismissal of Municipal employees shall rest with the Sub-Committees concerned, subject to appeal to the General Committee In the case of the Head Office establishment (excepting the Secretaryship) the powers herein conferred on the Sub Committees shall be exercised by the Chairman In cases of emergency requiring immediate action, the Convener, with the concurrence of the Chairman, shall have the power of suspension, such action being reported to the Sub Committee concerned

XLIII—On any emergency which may require immediate exercise of any of the powers conferred on a Sub-Committee by these rules, and if time

do not admit of a previous assembling of the Sub-Committee concerned, the Convener of the Sub-Committee, in communication with the Chairman, or in his absence with the Vice-Chairman, or if the Convener be absent from Ajmere the Chairman, or in his absence the Vice-Chairman shall exercise the power which has to be urgently put into force, submitting the proceedings to the Sub-Committee at their next meeting

XLIV—Powers and duties of Chairman — Division Work

1 To pass orders on matters requiring immediate action, reporting his action to the Committee

2 To supervise the general working of all departments of the Municipality, to rectify and to bring to the notice of the Committee any defects or failure thereon

3 To see that the effect is given to the orders of the General Committee without delay

4 The Chairman is authorized to disburse —

(i) The fixed salaries of all sanctioned establishment

(ii) All sanctioned grants in aid

(iii) All sums not exceeding Rs 100 for miscellaneous expenditure within budget limit

(iv) All payments for works or repairs or other expenditure sanctioned by the General Committee, or in accordance with rule 35 of rules made by the Chief Commissioner, Ajmere-Merwara in his letter in the Public Works Department, No 691S, dated the 9th March 1888

XLV—Duties and responsibilities of Secretary —

1 The Secretary shall be the chief Executive Officer of the Committee He shall discharge his duties subject to the control of the Committee, and under the immediate orders of the Conveners of Sub Committees in regard to matters disposed of by the Sub Committees, and of the Chairman in regard to other matters

2 The Secretary's duties shall be —

(a) To carry out all orders of the Committee

(b) To receive all sums due to the Committee taking over daily from the Octroi Darogah the amount of cash which according to the Darogah's daily cash account should be in his hands.

(c) To remit daily to the Treasury all sums received by him from the public, or as collections or recoveries namely sums received up to remitting hour should be remitted on that day, and money received after that hour should be paid into the Treasury on the following day, no part of these receipts being applied to disbursements.

(d) To tally monthly with the Treasury pass-book before the Convener of the Sub Committee of Finance, the record of each day's receipts by the Secretary and his remittances to the Treasury in order to a strict observance of the rule in para 2 (c).

(e) To see that all taxes fees fines and other dues of the Committee are properly realized and accounted for

(f) To see that no money is spent without proper sanction

(g) To see that all registers and records are properly kept up under a strict personal responsibility—among other things—for keeping secure from theft, tampering mutilation or defacement, (1) papers which help to prove the Ajmere Municipality's title to any land or other real property, and (2) plans leases, orders &c, which serve to identify lands whereof permissive possession or use is given to individuals &c by the Municipal Committee

(h) To keep correct accounts of the income expenditure balances, outstandings and liabilities of the Municipal fund and statistics of Octroi taxation as prescribed in rule 52 of the rules sanctioned by the Chief Commissioner Ajmere Merwara in his letter in the Public Works Department, No. 691S, dated 9th March 1888 likewise to keep requisite statistics of the trade which pays octroi and in respect of exports whereof refunds are granted.

(i) To keep up to date (by entering therein every mutation) the list of roads &c list of immoveable property &c, and the store book of furniture, &c, which are prescribed by rule 59 *d*, *f* and *g* of the Rules sanctioned by the Chief Commissioner of Ajmere Merwara in his letter dated 9th March 1888 above quoted

(j) To receive all correspondence on Municipal matters including petitions and reports to dispose of matters of ordinary routine and such business as he may be authorized to do under the rules in force and to bring other matters before the authorities concerned

(k) To grant copies of Resolutions passed at meetings

(l) To dispose of applications for temporary use of any cart or other Municipal property or for the temporary service of sweeper or gang

(m) To issue under his own signature and the seal of the Municipal Office all notices under the rules and Ajmere Municipalities Regulation 1886 on the issue of such notices being ordered by the General Committee the Chairman or the appropriate Sub Committee

(n) To see that no loss accrues to the Municipality—

1—From not carrying out in proper time and manner any of the rules in clause 2 *a b c d e f g h* and *i* of this XLV rule.

2—From outstandings of any sort proving irrecoverable through remissness in realizing them

3—From any Municipal land being included—*through corruption* of any Municipal officer or otherwise—within the boundary of any private land

4—From Municipal land or the Municipality's any right of easement on behalf of the public being lost to the Municipality through lapse during the Secretary's incumbency of the period which the appropriate law limitation for the time being allows for proceedings against the encroachers or trespassers on the Municipality's said land or said right of easement

64, Sub sec 1

Secretary's duties shall be —

(a) To carry out all orders of the Committee

(b) To receive all sums due to the Committee, taking over daily from the Octroi Darogah the amount of cash which according to the Darogah's daily cash account should be in his hands

(c) To remit daily to the Treasury all sums received by him from the public, or as collections or recoveries, namely sums received up to remitting hour should be remitted on that day, and money received after that hour should be paid into the Treasury on the following day no part of these receipts being applied to disbursements

(d) To tally monthly with the Treasury pass-book, before the Convener of the Sub Committee of Finance the record of each day's receipts by the Secretary and his remittances to the Treasury in order to a strict observance of the rule in para 2 (c)

(e) *To see that all taxes fees fines and other dues of the Committee* are properly realized and accounted for

(f) To see that no money is spent without proper sanction

(g) To see that all registers and records are properly kept up under a strict personal responsibility—among other things—for keeping secure from theft tampering mutilation or defacement, (1) papers which help to prove the Ajmere Municipality's title to any land or other real property, and (2) plans leases orders &c., which serve to identify lands whereof permissive possession or use is given to individuals, &c. by the Municipal Committee

(h) To keep correct accounts of the income, expenditure balances, outstandings and liabilities of the Municipal fund and statistics of Octroi taxation, as prescribed in rule 52 of the rules sanctioned by the Chief Commissioner, Ajmere Merwara in his letter in the Public Works Department, No. 6918, dated 9th March 1888 likewise to keep requisite statistics of the trade which pays octroi and in respect of exports whereof refunds are granted

RULES FRAMED UNDER SECTION 85 OF THE AJMERE MUNICIPALITIES REGULATION 1886, PASSED AT A MEETING OF THE COMMITTEE HELD ON THE 29TH MAY 1888, *vide* RESOLUTION I.

1. Every person intending to erect or re-erect any building (not within a Compound) shall give notice of his intention, in writing, to the Committee, accompanied by a plan showing —

(*a*) Drainage to be explained on plan in writing

(*b*) Line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare

2. That until an applicant shall have complied with the rule in every particular, he shall not be considered to have given notice of his intention to build

JHAROKA RULES

RULES FOR REGULATING THE BUILDING OF JHAROKAS OVERHANGING STREETS AND PUBLIC LANDS, AND CHABUTRIS OVERHANGING DRAINS, WITHIN THE LIMITS OF THE AJMERE MUNICIPALITY

Sanctioned by the Chief Commissioner in letter No 845S, dated the 10th March 1897, from his Secretary in P W D, to the Commissioner, Ajmere-Merwara.

1 Permission may be given under section 86 of the Ajmere Municipalities Regulation of 1886 to construct projecting Jharokas and other projections overhanging such streets and public lands as will allow a minimum of 10 feet clear space to be left between Jharokas or other projections on either side of the street or public land

Exception to Rule 1 —

But when in the unanimous opinion of the Public-Works Sub Committee an applicant should be allowed to construct projecting Jharokas and other projections overhanging such streets and public lands as will allow a minimum of 6 feet but less than 10 feet, to be left between Jharokas or other projections on either side of the streets or public land, in such cases the Sub Committee before granting the permission asked for will refer the case to the Civil Surgeon asking him to favour the Sub-Committee with his opinion on the point, whether the construction proposed to be built will in any way injuriously affect public health. The opinion of the Civil Surgeon in such cases will be final

2 Permission will in no case be given to construct Jharokas of greater width than three feet, the measurement being taken from the basement wall. The lowest part of the brackets shall be at a height not less than 12 feet above the street level

3 In giving permission as above the right of the owner of the opposite premises to a similar concession and the possibility of a similar construction by such owner at some future time, must always be borne in mind

4 When the buildings are incomplete on one side the general line of buildings already existing on that side will be taken into account If any building is likely to be erected on a future date on old foundations projecting beyond the general line of buildings then such old foundation will be taken into account in granting permission to the owner of the opposite house

5 No projection contemplated in the preceding rules shall be allowed unless provision is made to prevent rain water from dripping on the road or being discharged on to it through spouts Projections other than cornices must in all cases be provided with gutters and the rain water carried down the wall into the street so as to prevent injury to the roads and inconvenience to passers by

6 The above rules apply to construction and reconstruction but not to repairs In case of dispute the Committee will decide under what description the alterations fall

7 Permission may be given to build Bhadar to a door on any street, however narrow provided the Bhadar does not exceed three inches in depth *the measurement being taken from the main wall of the building*

8 Permission may be given to fix doors to buildings which open towards the street provided they are so constructed as to fold back and be closed to the wall of the building

9 Construction or reconstruction of chabutras overhanging drains shall not be permitted in streets less than 25 feet wide

10 The permission given under the above rules shall remain in force for one year after which period the applicant must make a fresh application for permission

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3 In giving permission as above the right of the owner of the opposite premises to a similar concession and the possibility of a similar construction by such owner at some future time must always be borne in mind

payment Except in the case of a driver's license revoked under rule 12 when the driver of a licensed *Thela* is changed during the year of license the name of the new driver shall subject to the provisions of rule 9 be substituted in the license without further payment

7 Each license shall bear a serial number and a plate bearing this number in Hindi and Urdu shall be affixed by the proprietor in a conspicuous place on the licensed *Thela*

8 All *Thela* licenses shall be produced for inspection when required by any Magistrate or Police Officer or Member of the Municipal Committee or Secretary to the Municipal Committee

9 No person shall be allowed to act as driver of a licensed *Thela* except under a driver's license granted him by the Officers mentioned in rule 2.

10 Every driver so licensed shall wear a brass badge on his right arm bearing the number of his license

11 Licenses for *Thelas* and drivers shall be in the form attached to these rules The fee for each *Thela* license shall be Re 1 8 0 and for a driver's license annas four

12 A license issued under these rules may be suspended or revoked by order of the Chairman of the Municipal Committee on proof that the proprietor his agent or the driver has been guilty of an infringement of any of these rules and conditions or has been convicted of any offence by a Magistrate On the Chairman declaring that a license has been revoked the proprietor or his agent and the driver shall immediately return the license to the Municipal Office and cease to ply for hire

13 The driver or proprietor or agent of a licensed *Thela* shall at any time of day or night give such *Thela* on hire to any person demanding the same unless for good or sufficient reason the burden of proving which shall be on the driver agent or proprietor so refusing but shall be entitled to claim his discharge after a continuous hire of 9 hours

14 No *Thela* shall in any circumstances be permitted to carry a load of more than twenty maunds it being understood that this permission does not in any way lessen liability to prosecution under section 34 of Act V of 1861

15 Every driver while driving a licensed *Thela* shall carry with him a list of the fares described in the following rule. Such list shall be printed in English, Urdu, and Hindi, and a copy of it shall be supplied yearly at the time of licensing by the Municipal Office, but the renewal of a list which has become destroyed or defaced shall rest with the proprietor, who shall renew it at once.

16. In the absence of any private agreement between the proprietor, agent, or driver of a licensed *Thela* and the hirer, the following rates shall be paid, *viz* :—

	Rs.	A.	P.
For the 1st hour	0	4	0
For the 2nd hour	0	2	0
For the 3rd hour and every subsequent hour	0	1	6

17. Every licensed *Thela* shall, while plying for hire between sunset and sunrise, on dark nights carry one light in a conspicuous position on the *Thela*.

18. The driver, agent, or the proprietor of the licensed *Thela* shall, on demand by any Police or Municipal official, truly disclose his name and address or any other information required for carrying out the purposes of these rules.

19. Any person who shall commit a breach of any of the foregoing rules shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20.

FORM OF THELA LICENSE.

1. Ajmere Municipality.
2. Number of license.
3. Date of issue of license.
4. Date of expiry of license.
5. Name of Proprietor or Agent.
6. Residence of Proprietor or Agent.
7. Description of Thela.
8. Licensed to carry load not weighing more than 20 maunds.
9. Remarks

FORM OF DRIVERS LICENSE

1 Ajmere Municipality

2 Number of license

3 Date of issue of license

4 Name of driver

5 Father s name

6 Residence

7 Remarks



RULES FOR THE REGISTRATION OF VITAL STATISTICS

NOTIFICATION

[1] *No 125, dated Abu, 14th February* 1894

It is hereby notified for general information that the following Rules for the Registration of Vital Statistics, framed by the Municipal Committees of Ajmere Beawar and Kekri, at special meetings under section 116 (1) (*c*) of the Ajmere Municipalities Regulation 1886, having been published as prescribed by Rule 56 of the Rules made by the Chief Commissioner under section 145 of the said Regulation, and having been confirmed by the Chief Commissioner under section 116 (3) of the said Regulation, will come into force in the said Municipal areas from the 1st April 1894

Registration

When a birth marriage or death shall occur in any household, the head of the household or in his absence any adult member of the family, or any servant in the case of a birth or marriage and the Mohalla sweeper in the case of a death shall within one week, and between the hours of 9 A M and 5 P M, report the occurrence, or cause a report of it to be made at the nearest Octroi post

Penalty

2 Whoever is guilty of a breach of the preceding rule, shall on conviction before a Magistrate having jurisdiction, be liable to a fine not exceeding five rupees.

Registration of births and deaths by Government and Railway servants in institutions under their control

3 The Civil Surgeon, the District Superintendent of Police and other Government and Railway Officers, shall report to the Municipality within one month, all births and deaths occurring within Municipal limits in the institutions under their control

Forms of Registers and Reports

4 The reports and returns required in the preceding rules shall contain the following particulars, which shall be entered in registers kept at each Octroi post, *viz* —

(a) As to Births

I Date of occurrence

II Sex of child

[1] Gazette of India for 1894, part II, page 175

III Name of father
IV. Residence of father
V Occupation and caste (if any) and religion of father
VI Name of person making the report and return

NOTE —If the person registering the occurrence desires it he may within a fortnight apply to the Municipal Secretary to register the name of the child Provided that in the case of illegitimate children, at the option of the person making the report or return, the name, residence (caste if any) and religion of the mother may be substituted for particulars III, IV and V

(b) As to Marriages

I Date of occurrence.
II Name of bridegroom
III Ages of parties (if furnished)
IV Caste of parties
V Name of person making the report

(c) As to Deaths

I Date of occurrence
II Name of deceased
III Father's name or (in the case of a married woman) husband's name
IV Sex.
V Age
VI Occupation caste (if any) and religion
VII Residence
VIII Supposed cause of death
IX Name of person making the report

5 In the case of a dead body of any person unknown, or which is not claimed by any person, being found exposed, the District Superintendent of Police shall, within one week, report the fact to the Municipal Secretary — *Registration of dead bodies found exposed.*

6 These registers shall be open during office hours to inspection by any inhabitant of the Municipality, and the Secretary shall be bound to give certified extracts therefrom to persons interested, upon payment of a fee of two annas. The Municipal Secretary shall supply, on demand, copies of and extracts from these registers free of cost to the District Superintendent of Police, to the Registrars of Births, Deaths and Marriages and to any Government Officer, Judge or Magistrate who may require this information for public purposes. — *Inspection of registers and copies of extracts.*

SARAIS AND LODGING HOUSES

The 25th January 1895

The following rules relating to *Sarais* and Lodging Houses under section 116 (1) (*d*) and (*e*) of the Ajmere Municipalities Regulation 1886 made by the Ajmere Municipal Committee—after considering objections received under section 170 (1) of the said Regulation—having been confirmed by the Chief Commissioner Ajmere-Merwara (in letter No. 2778, dated 11th October 1894) under section 116 (3) of the said Regulation are published for general information in accordance with the provisions of section 150 (2) and rule 56 of the rules made by the Chief Commissioner under section 145 of the said Regulation.

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1. That no person without permission of the Committee be permitted to establish or keep any *Sarai* or *Parao* within Municipal limits for the purposes of entertaining travellers, carts and beasts of burden.

2. That *Sarais* and *Paraos* shall be open to the inspection of the Municipal Officers and Police at all times.

3. Whoever infringes any of the foregoing rules shall be punished (unless otherwise expressly provided) with a fine which may extend to twenty five rupees, and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues.

MARKETS AND SLAUGHTER HOUSES

RULES FRAMED BY THE AJMERE MUNICIPAL COMMITTEE UNDER SECTION 116 (*e*) OF THE AJMERE MUNICIPALITIES REGULATION 1886 AND SANCTIONED IN CHIEF COMMISSIONER'S LETTER No 836S DATED 31ST MARCH 1898

1 The Committee may with the approval of the District Magistrate, fix and abolish places where raw meat may be exposed for sale and with the like approval issue directions from time to time for the way in which such meat may be exposed for sale In fixing and abolishing such places and issuing directions the requirements and convenience of the consumers shall be duly considered When such places have been fixed by the Committee and such directions issued by it no person shall expose raw meat for sale in any place not sanctioned by the Committee or in a manner not approved by the Committee All places fixed and directions issued before the Ajmere Municipalities Regulation 1886 came into force shall be deemed to have been respectively fixed and issued under this rule — Exposing raw meat for sale

2 No butcher or any other person shall slaughter or suffer to be slaughtered for sale any animal known to be pregnant or diseased — Slaughtering diseased or pregnant animals

3 No person shall expose any article for sale upon or in any stall booth or other place within the limits of the Municipality contrary to any orders passed by the Committee at a general Meeting Any person aggrieved by the decision of the Committee may appeal to the District Magistrate, whose decision shall be final — Exposing articles for sale on public roads

4 The following rules shall be in force for the proper regulation of slaughter houses — — Slaughter houses

(1) Slaughtering will be done during the hours named below—

(*a*)—From April to October inculsive 4 to 10 a m and 7 to 12 p m

(*b*)—From November to March inclusive, 6 to 12 a.m and 6 to 12 p m

Any alteration that may be found necessary in the time above noted may be made by the Committee with the approval of the District Magistrate

(2) The Municipal servant in charge of a slaughter house shall be entitled to prohibit the slaughter of any animal which in his opinion is diseased pregnant or otherwise unfit for the food of man The animal shall then be examined by competent authority (native doctor or such other person as the Committee from time to time may appoint) If it be proved that the prohibition was injudicious dishonest or malicious the Municipality shall be responsible in damages to the owner of the animal

(3) If any animal shall at any time develop any disease or after slaughtering shall be found to be unfit for food it shall be seized and the orders as to the disposal of the same shall be issued by the Chairman The owner or person in *possession thereof shall report at once the disease or* unfitness to the Municipal servant above named

(4) No person shall carry meat from the slaughter house to a butchers shop or from a butchers shop to a customers house or otherwise in a street, except in a receptacle properly covered so that no part of it shall be visible to the public

BURIAL AND BURNING GROUNDS

RULES FRAMED BY THE AJMERE MUNICIPAL COMMITTEE UNDER SECTION 116 (g) OF THE AJMERE MUNICIPALITIES REGULATION 1886 AND SANCTIONED IN CHIEF COMMISSIONER'S LETTER No 836S, DATED 31ST MARCH 1898

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1 The Committee shall prepare a register of all the existing burial and burning grounds in use within the Municipal limits This register shall be published by pasting copies thereof in conspicuous parts of the town for the information of the public all objections which any person may wish to make with respect to the said register should be filed within two months of the said publication After these objections if any have been considered the Committee shall revise the register which shall be maintained in the Municipal Office No place not duly registered shall be used as a burial or burning ground thereafter without the express permission of the Committee in writing *Register of burial and burning grounds*

2 No person shall bury any corpse or cause it to be buried in a grave the depth of which does not allow three feet of earth between the surface of the ground and the dead body *Depths of graves*

3 No person shall make or cause to be made a grave in any burial ground at a less clear distance than two feet from any existing grave *Distance of graves*

4 No person when burning or causing to be burnt a corpse in any burning ground shall permit the same or any part thereof to remain without being completely reduced to ashes or to be removed until the same be so reduced *Corpses to be reduced to ashes*

WATER SUPPLY.

RULES FRAMED BY THE AJMERE MUNICIPAL COMMITTEE UNDER SECTION 116 (*h*) OF THE AJMERE MUNICIPALITIES REGULATION 1886, AND SANCTIONED IN CHIEF COMMISSIONER'S LETTER NO 836S, DATED 31ST MARCH 1898

No person to open, &c, any main or pipe, &c

Except in the case of fire, no person not duly authorised by the Committee in that behalf shall, within Municipal limits, open or in any way interfere with any main or pipe (except the standposts provided for the public) or valve or fire plug, connected with the Municipal water supply

Waste of water, bathing, &c, at a standpost

2 No person shall cause the water from a public standpost to run waste, nor shall any person either bathe or wash himself or any other person, or animal, or clothing or utensils other than those used for drinking purposes or any offensive matter, at a public standpost. No person shall drink water at a standpost putting his mouth to the tap

COLLECTION OF OCTROI TAX

RULES FRAMED BY THE AJMERE MUNICIPAL COMMITTEE UNDER SECTION 116 (*i*) OF THE AJMERE MUNICIPALITIES REGULATION 1886, AND SANCTIONED IN CHIEF COMMISSIONER'S LETTER NO 836S, DATED 31ST MARCH 1898.

Limits of Octroi

1 The limits for the collection of the Octroi tax shall be the limits of the Municipality, as fixed from time to time by the Chief Commissioner for purposes of taxation.

RULES MADE BY THE CHIEF COMMISSIONER OF AJMERE-MERWARA, UNDER SECTION 145 OF THE AJMERE MUNICIPALITIES REGULATION, 1886



(*Vide Chief Commissioner's No* 691S, *dated the 9th March* 1888)

1 In the case of a Municipality which has been excepted under section 162, sub-section (1) from the operation of the rule requiring that a certain proportion of the members of a Municipal Board be elected, not less than three-fourths of the members of the Board shall ordinarily be persons who are residents of the Municipality, and are not in the service of Government This condition shall, however, be liable to modification at the discretion of the Chief Commissioner

Appointment of a Municipal Committee excepted under Section 162

2 Save as in these rules, or in the Regulation provided the term of office of an elected member shall be three years

Term of office of elected members.

3 Subject to the direction of the next rule, and of section 14 sub-section (3) of the Regulation, the term of office of an appointed member shall, unless in any case in which the Chief Commissioner order otherwise be three years

Term of office of appointed members

4 Subject to the direction of section 23, sub section (3) of the Regulation, the term of office—

Term of office of Chairman.

(*a*) Of a person who not being a member of the Committee at the time of his election, is elected to be Chairman, or

(*b*) Of a Chairman appointed by the Chief Commissioner

shall, unless in any case the Chief Commissioner order otherwise, be three years.

4A All existing members whether elected or appointed shall, irrespective of the date of their election or appointment vacate their seats on the 1st April 1896 on which date the new members elected or appointed under the revised rules published with the Chief Commissioner's Notifications Nos. 1726S, dated 23rd June 1894, and 3196S, dated 27th November 1894, will commence their term of office

Casual vacancies

5 When the place of an elected member of a Committee becomes vacant by his resignation removal or death or by the avoidance of his election or by his refusal to accept office casual vacancy is created and the place shall be filled—

(*a*) If that member would regularly have gone out of office within six months then by election held by the members of the Committee at a Special Meeting out of persons who are qualified for election as members within four weeks after the occurrence of the vacancy or within such further period as the District Magistrate may by order allow,

(*b*) If that member would not regularly have gone out of office within six months then as the Chairman may direct, either by election at the next triennial election or by election held at such other time and at such place as the Chairman may prescribe and notified and conducted in the same manner, and subject to the same incidents as a triennial election

6 Casual vacancies among appointed members shall be filled by the Chief Commissioner

Language in which business shall be transacted proceedings recorded and notices issued

7 In the Municipalities of Ajmere and Beawar all business shall be transacted and proceedings recorded in the English and Urdu languages, and all notices shall be issued in English Urdu, and Hindi

8 In the Municipality of Kekri all business shall be transacted in the Vernacular and all proceedings and notices recorded and issued in the Nagri character

Assessment and collection of Octroi duty

9 Any person who imports or intends to import dutiable articles shall be called upon to declare whether such articles are intended for use or consumption within the Municipality or whether they are in transit If they are for use or consumption the duty shall be paid and the certificate of payment shall be delivered to the importer If the articles are declared to be in transit no duty shall be levied but the goods shall be either passed at once for immediate exportation or stored as provided in Rule 18 until it shall be convenient for the importer to forward them

10 Subject to the provisions of Rule 9 duty on articles declared liable to the payment of Octroi duty by any Municipal Committee shall be paid

either (1) before or (2) immediately on their arrival within the Octroi limits to such officers and at such places as the Committee may from time to time direct in this behalf In the former case the invoice bearing the original signatures of the despatching agent shall be produced at the Head Octroi Office and shall be considered valid and accepted as conclusive evidence of the value of the goods On payment of the duty a certificate of payment shall be issued in the name of the importer on production of which the goods shall be allowed to pass the barrier In the latter case before the goods shall be allowed to pass the invoice if there be one shall be produced at the barrier and shall be sent on to the Head Office for check In the event of there being no invoice a declaration must be made and signed by the importer at the barrier specifying the nature weight in Government maunds and seers and value of the goods In the event of the invoice being subsequently received by the importer he shall be bound to produce the same at the Head Office for check and for payment of the difference of duty if any

11 In the case of dutiable goods imported by Railway the Railway receipt must be produced in addition to the above mentioned invoice or declaration before the goods shall be allowed to pass

12 All importers of goods shall render every facility to all Octroi officials for the purpose of having their goods appraised and when required to do so shall allow the whole or any portion of such goods to be examined weighed measured or otherwise appraised Any expense incurred in such appraisement shall subject to an appeal to the Chairman of the Committee be borne by the importer

13 All importers shall on demand permit any Octroi official to inspect any Octroi receipts in their possession and on arrival of the goods at the market shall on demand deliver such receipts No such receipts shall be taken out of Municipal limits on any pretext whatever

14 The Chairman of a Municipal Committee shall be at liberty to inspect and examine the account books of any trader whenever it may be deemed necessary to do so in the interests of Octroi taxation

15 Any person evading or attempting to evade the payment of Octroi, or infringing or attempting to infringe Rules 9 to 14 or in any way obstructing the Committee or any of their servants in the performance of their duty under such rules shall be liable to a fine not exceeding Rupees 50

Rules under Section 145

Exhibition of Tables of Octroi.

16 Copies of the rules for the assessment and collection of Octroi, and the Octroi schedules in English, Urdu, and Hindi shall be exposed at every Octroi outpost, and at the Head Octroi Office

Refunds of Octroi

17 On the exportation, without any limit of time from the date of importation of goods which have paid duty under Rule 9, or of any portion of such goods, the duty levied or a proportionate amount of such duty, shall be paid to the exporter provided that no sum less than one rupee shall be refunded

Storage of dutiable goods within Municipal limits

18 Goods liable to pay Octroi which are brought within Municipal limits, and which the owner desires to place in bond, shall be received into storehouses provided by the Municipality

19 In return for the accommodation provided in the bonded warehouse a fee of three pies for every bale or package weighing not more than six maunds, shall be charged for the first seven days If the goods be not removed at the expiration of first seven days, a further fee of three pies will be charged for every subsequent period of seven days during which the goods remain in the bonded warehouse

20 All fees due for goods stored in the bonded warehouse shall be paid at the time the goods are removed from the godown

21 All goods stored in the bonded warehouse shall be entered in a register to be kept by the Octroi Darogah, according to the form to be prescribed by the Committee, and the signatures of the owners of the goods stored shall be obtained in this register, both at the time the goods are stored as well as when they are removed. A receipt in the form to be prescribed by the Committee shall also be given to the owner of the goods in bond

22 The Octroi Darogah shall visit the bonded warehouse daily, at such time as the Committee may see fit to prescribe

23 A sufficient watch and ward shall be maintained by the Municipal Committee to ensure the safe custody of the goods in bond Owners will be at liberty to employ their own Chowkidars in addition.

Authority on which money may be paid from the Municipal Fund

24 All expenditure shall be drawn by cheques signed by the Secretary, and countersigned by the Chairman. In the absence of the Chairman the cheques shall be countersigned by the Vice President and one member of the Committee

25 All cheques, except those drawn on account of establishment charges, shall bear on their face the number and date of Committee's Resolution, or other lawful authority, authorising the disbursement to which they relate

26 Whenever a Committee, by a majority of votes, determines to transfer by sale or otherwise any immovable property vested in it, a report, with a map or other general description, shall be submitted by the Chairman to the Commissioner through the District Magistrate, and information shall be given on the following points — Conditions on which property vested in the Committee may be transferred by sale, mortgage, lease, exchange or otherwise

(a) The date and purpose of investment of such property, and the conditions under which the investment holds good,

(b) The reason for the proposed transfer and,

(c) Proposals for dealing with the consideration to be received for such transfer

27 No such transfer shall be made without the sanction of the Chief Commissioner, provided that leases for any period not exceeding three years may be granted by a Committee on its own authority, by resolution passed at a General Meeting

28 No person shall be appointed as Engineer Assistant Engineer, or Overseer to a Municipality without the sanction of the Chief Commissioner unless he is professionally qualified for such appointment according to the rules prescribed by the Public Works Department Filling offices requiring professional skill.

29 No person shall be employed to transact the legal business of a Committee unless he shall be qualified as a Barrister Advocate Pleader or Mukhtar provided that the Committee may for special reasons to be recorded, entrust the conduct of criminal prosecutions and ordinary civil suits to the Secretary or any other member of their staff

30 All correspondence between the Chief Commissioner and Committee, and all representations addressed to the Chief Commissioner, shall pass in every case through the District Magistrate and the Commissioner, and all communications on Municipal matters from individual members of a Committee to the officers of Government shall pass through the Chairman Channel of correspondence with Chief Commissioner or his officers

31 The Committee may execute all original works and repairs involving an outlay of less than Rs. 1,200 sanctioned at a general meeting provided Execution of original works and

repairs involving an outlay of less than Rs 1,500 — that no such works involving an expenditure exceeding Rs. 200 shall be undertaken until the estimate and plans, if any, shall have been approved by the Executive Engineer. The Committee may, when they think necessary, refer to the Executive Engineer for his opinion estimates, and plans, if any, involving expenditure under Rs 200.

32. In cases of emergency the Standing Sub Committee, if there be one, shall have authority to incur expenditure to an amount not exceeding Rs. 100. In similar cases the Chairman shall have authority to incur expenditure to an amount not exceeding Rs. 200. All cases in which expenditure is incurred under this rule shall be reported to the Committee at the next General Meeting.

33. All plans and estimates recommended by a Committee for works not hereinbefore provided for shall be sanctioned in conformity with the following rules :—

(*a*)—If the estimates do not exceed Rs. 2,500, the Commissioner will sanction them on the advice of the Executive Engineer, who should always sign the estimates and plans in token of approval.

(*b*)—If the estimates exceed Rs. 2,500 but do not exceed Rs 5,000, they will be sanctioned by the Commissioner on the advice of the Superintending Engineer, who should always sign the estimates and plans in token of approval.

(c)—Estimates exceeding Rs 5,000 will be referred to the Chief Commissioner in the Public Works Department.

Budget Provision — 34. As a rule no expenditure shall be incurred for which there is no provision in the Budget Estimate, sanctioned by the Chief Commissioner, until a re-appropriation of the Budget credits has been authorized: provided that re-appropriations to the extent of Rs. 1,000 from one head of the Budget to another may be made on the authority of the Committee, by a Resolution recorded at a General or Special Meeting.

Accounts — 35. The Committee shall carry out such detailed instructions in the matter of accounts as may be issued by the Chief Commissioner from time to time.

36 The Committee shall keep up a Cash Book and a Ledger in the forms hereto annexed or as may hereafter be prescribed by the Chief Commissioner Cash Book and Ledger

37 In the Cash-Book every item of receipt and expenditure shall be regularly entered and the Cash Book shall be balanced monthly

38 The receipts and charges shall be regularly posted under the prescribed headings in the Ledger

39 All receipts and charges shall be entered in gross in the monthly accounts.

40 An abstract of the monthly accounts shall after verification and audit be noted by the Committee in their proceedings Publication of Accounts

41 The audit of all Public Works charges executed through the Executive Engineer shall be made by the Examiner of Public Works Accounts Audit of Public Works charges

42 The Committee shall be responsible for seeing— Committee's responsibility for expenditure

(1) That the expenditure is incurred on objects authorized by the Regulation

(2) That it is not in excess of the power of the Committee and

(3) That it is supported by proper authority

43 Any inhabitant of the town whose name is duly borne on the list of electors may on requisition sanctioned by the Chairman and any two elected members of the Committee or under an order from the District Magistrate apply for such information regarding the accounts as he may require and if necessary inspect the accounts provided that such inspection shall be made during office hours and without detriment to the despatch of business Inspection of accounts by Municipal tax payer

44 The Committee shall annually on or before the 1st November prepare in duplicate and submit to the Commissioner through the District Magistrate an estimate of income and expenditure for the twelve months commencing on the 1st April following Budget Estimates

45 The Budget shall be drawn up in the forms hereto annexed or in such other forms as may be prescribed by the Chief Commissioner from time to time and shall be considered and passed by the Committee at a Special Meeting held on or before the 1[illegible]th October

46 The budget shall be accompanied by a statement showing the original works which the Committee proposes to execute during the year, the plans and estimates for which shall have previously been approved and sanctioned by a competent authority

47 The Committee shall also at the same time draw up and forward to the Commissioner, through the District Magistrate, a brief memorandum illustrating and explaining the Budget figures, so as to enable him to examine and criticise the proposals

48 The Budget will be reviewed by the Commissioner, and shall be forwarded to the Chief Commissioner for sanction

Returns, statements, and reports, to be submitted by the Committee.

49 The Committee shall as soon as possible after the close of each official year prepare returns for that year showing (1) population within the Municipal limits (2) the accounts of the income, expenditure, balances, outstandings and liabilities of the Municipal Fund, and (3) statistics of Octroi taxation Copies of these returns shall be sent through the District Magistrate to the Commissioner for transmission to the Chief Commissioner not later than 1st June

50 In addition to the returns above prescribed each Committee shall submit in like manner, for the information of the Chief Commissioner, a report of its proceedings during the previous official year under the following heads, namely —

(a)—Revision of boundaries and bye-laws, with sanction for the same

(b)—Estimated number of regular consumers such as pilgrims, visitors to fairs, &c., not included in the population reported

lease, and the percentage of the cost of collection as compared with the income refunds of Octroi and their causes, explanation of excessive consumption of dutiable articles per head, as shown by the return of Octroi taxation, the effect of Octroi on trade, revisions for Octroi schedules and the bonded warehouse system

(*d*)—Notice of other sources of income under the heads given in the return of income with explanations of any increase or decrease as compared with previous years

(*e*)—EXPENDITURE—Comparison with the Budget and the expenditure of previous years under each of the main heads given in the return of expenditure cause of any notable increase or decrease

(*f*)—ADMINISTRATION—Notice of operations progress and principal public works under each head of the same return

(*g*)—Liabilities incurred during the year and outstanding at its end

(*h*)—Management of Nazul properties entrusted to the Committee,

(*i*)—Miscellaneous remarks not falling under the heads above mentioned *e g* development of any branch of industry special exertions and frequency of attendance of members of the Committee number of meetings &c

51 The Committee shall from time to time furnish such statistics or information appertaining to the Municipal Fund and its management as may be called for by the Chief Commissioner or the Commissioner

52 Every public notice given by the Committee under the Ajmere Municipalities Regulation 1886 and every order made under section 131 or 135 of the same shall be published in the manner provided in the next following rule and shall also be affixed in different parts of the municipality in at least five conspicuous places accessible to the public other than the place of meeting of the Committee — Publication of Notices

53 An abstract of the minutes of each meeting of the Committee, and a copy or draft, as the case may be of all rules proposed to be made or sanctioned by the Committee under the Municipalities Regulation 1886 shall — Publication of Proceedings and Rules.

NOTIFICATION

[1] *No* 9235 *dated Mount Abu* 22*nd March* 1897

It is hereby notified that under section 150 of the Ajmere Municipalities Regulation V of 1886 the Chief Commissioner of Ajmere Merwara is pleased to order that the triennial election rules sanctioned for the Ajmere and Beawar Municipalities under his Notification No 5418 dated the 22nd February 1896, shall have effect in respect to the Beawar Municipality from January 1897

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[1] *Vide* Gazette of India of 1897, part II, page 325

CONSOLIDATED SCHEDULE OF OCTROI RATES FOR THE MUNICIPALITY OF AJMERE, INCLUDING THE ADDITIONAL RATES SANCTIONED IN CHIEF COMMISSIONER'S NOTIFICATION No 2189 S, [1] DATED THE 21ST SEPTEMBER 1891

No	NAMES OF ARTICLES	RATES Rs	a	p	PER.
	I —Articles of food and drink for men and Animals				
1	BETEL —Leaves	1	8	0	Maund
2	" Nuts	1	0	0	"
3	FRUITS —Cocoanuts (Kernel)	0	8	0	"
4	" Cocoanuts with outer rind	0	3	0	100
5	" Pistachio Nuts	1	0	0	Maund.
6	" Raisins	0	12	0	"
7	" Almonds	0	12	0	"
8	" Munakkas	0	12	0	"
9	" Mangoes imported for sale only	0	0	6	Rupee
10	Ghi	0	12	0	Maund
11	GRAIN —All descriptions	0	0	6	"
12	Pulses of all kinds	0	0	9	"
13	Meda (Fine Flour) and Suji	0	1	6	"
14	Ata (Flour)	0	0	9	"
15	Cornflour and all Oilman s Stores & Provisions	0	0	6	Rupee
16	Rice	0	3	6	Maund.
	SACCHARINE PRODUCE				
17	SUGAR —Fully refined	0	12	0	"
18	" Ordinary	0	8	0	"
19	" Gur	0	2	6	"
20	Tea	5	0	0	"
	VEGETABLES				
21	Potatoes	0	3	0	"
22	Arvi	0	3	0	"
	II —Animals for Slaughter.				
23	Sheep and Goats	0	1	0	Head
	III —Articles of Fuel, Lighting and Washing.				
24	Charcoal	0	2	0	Maund
25	Oil seeds	0	3	6	"
*26	All sorts of oil except Kerosine	0	5	0	"

[1] See Gazette of India, part II for 1891, page 512

* Sanctioned in Chief Commissioner's Notification No $\frac{161}{C}$ S dated 11th February, 1893 Vide Gazette of India, part II for 1893, page 119

No	NAMES OF ARTICLES	Rates			Per
		Rs	a	p	
	VI —Articles used in the Construction of Buildings				
27	Munj	0	2	0	Maund
28	Slabs —Large and Small (Patti) and Katla	0	1	0	Cart load
29	„ Large (Pattis)	0	2	0	
30	„ Small (Katla)	0	1	0	
31	Bamboos	0	6	0	Maund
32	Poles	1	0	0	Cart load
	V —Drugs, Gums Spices and Perfumes				
33	Gums of all sorts	1	0	0	Maund
34	Dry Chillies	0	6	0	„
35	Turmeric	0	8	0	„
36	Spices	0	0	6	Rupee
	VI —Tobacco				
37	1st sort (Malwa)	2	0	0	Maund
38	2nd sort (Zarda)	0	12	0	„
39	3rd sort (Purbi and Desi)	0	6	0	
	VII —Piece Goods and other Textile Fabrics and Manufactured Articles of Clothing and Dress				
[illegible]	[illegible]	1	0	0	Cent
[illegible]	[illegible]	2	0	0	
[illegible]	[illegible]	3	0	0	
[illegible]	[illegible]	0	0	3	Rupee
[illegible]	[illegible]	2	0	0	Cent
[illegible]	[illegible]	1	0	0	„
	VIII —Metals				
46	Metals and things made thereof, excepting gold and silver	3	0	0	„
	IX —Dyeing and Coloring Materials				
47	Five colours viz, Red, Yellow, Black, Green, and Blue	7	13	0	„

Beawar Octroi Schedule

[a] SCHEDULE OF OCTROI DUTIES LEVIED WITHIN THE BEAWAR MUNICIPAL LIMITS FROM 2ND APRIL 1898

No	NAME OF ARTICLES.	RATES			PER
		Rs	a	p	
	I —Articles of food and drink for men and animals				
1	Rice	0	2	0	Maund
2	Ghee	0	10	0	Do
3	Sugar (refined)	0	8	0	Do
4	Brown or unrefined Sugar	0	4	0	Do.
5	Gur	0	2	0	Do.
6	Mowl a berries	0	1	0	Do.
7	Fruits	0	1	0	Rupee
8	Khopra	0	6	0	Maund
	Cocoanuts	0	3	0	100
	II —Animals for slaughter				
9	Sheep and goats	0	1	0	Head
	III —Articles for fuel and lighting				
10	Oil of sorts (excluding Kerosene Oil)	0	2	0	Maund
11	Ulsi, Till, and other seeds	0	2	0	Do
12	Charcoal	0	1	0	Do.
13	*Fuel or Kunda, excepting Load carried on head*	0	2	0	Cart load
		0	1	0	Camel do.
		0	0	6	Buffalo do
		0	0	3	Ass do
	IV —Articles used in the Construction of Buildings				
14	Timber for building	0	4	0	Cart load
15	Lime of sorts	1	8	0	100 maunds.
16	Large Puttee	0	1	0	Cart load
17	Small Puttee and Katla	0	0	6	Do.

[a] Sanctioned under the Chief Commissioner's Notification No 7065, dated 21st March 1898

No	NAME OF ARTICLES	RATES			PER
		Rs	a	p	
	V.—Drugs and Gums				
18	All Spices	2	0	0	Cent
19	Gums ..	0	8	0	Maund
	VI. Tobacco				
20	Tobacco 1st class	1	0	0	Maund
21	Tobacco 2nd class	0	6	0	Do
	VII.—Cloth				
22	European Piece Goods	1	0	0	Cent
23	Country Cloth (coarse)	0	12	0	Do
24	Cloth (fine)	1	8	0	Do
25	[illegible]	1	6	0	Do
26	Silk	1	8	0	Do
27	Woollen Cloth	1	0	0	Do
	VIII.—Metals				
28	Wrought Iron	0	4	0	Maund
29	Unwrought Iron	0	[illegible]	0	Do
30	Vessels ..	1	0	0	Do
31	Corrugated Iron Sheets	0	4	0	Do
	IX.—Dyeing and Colouring Materials				
32	Shangraf Hartal and other colours ..	0	0	6	Rupee
33	Aniline Dyes ..	7	8	0	Cent
	X.—Miscellaneous Articles				
34	Ban Moonj	0	1	0	Maund
35	Cotton (uncleaned)	0	1	0	Do
36	La[illegible] (g[illegible] and [illegible]) ..	1	0	0	Cent
37	Tat Pattee and New Sack	0	2	0	Maund
38	Twine	0	4	0	Do

Municipalities]

Kekri Octroi Schedule

SCHEDULE OF OCTROI RATES FOR THE MUNICIPALITY AT KEKRI

No	NAME OF ARTICLES	Rate of Octroi Duty			
		Rate			Per
		Rs	a	p	
1	Betel nuts	0	2	0	Maund
2	Cocoanut fruits	0	2	0	,,
3	Dry dates	0	2	0	,,
4	Cocoanuts with rind	0	2	0	,,
5	Dry water caltrop	0	2	0	,,
6	Fresh dates	0	2	0	,,
7	Kaju (Cashew nuts)	0	2	0	,,
8	Mohwa berries ...	0	4	0	,,
9	Pistachio nuts	0	2	0	,,
10	Raisins Almonds	0	2	0	,,
11	Tamarind Fruits ...	0	2	0	,,
12	*Fresh fruits*	0	2	0	
13	Ghee	0	4	0	,,
14	Grain and rice	0	0	3	,,
15	Rice ...	0	0	3	,,
16	Brown Sugar	0	2	0	,,
17	White Sugar	0	4	0	,,
18	Gur (Molasses) ...	0	1	0	,,
19	Firewood	0	1	0	Cart
20	Firewood	0	0	3	Animal load
21	Oil for lighting	0	2	0	Maund
22	Oil	0	2	0	,,
23	Linseeds Sirson and Tilli	0	1	0	,,
24	Bamboos	0	1	0	Cent.
25	Beams .	0	1	0	Cart
26	Ban Moonj	0	1	0	Maund

Kaira Octroi Schedule.

No	NAME OF ARTICLES	Rate of Octroi Duty			
		Rate			Per
		Rs	a	p	
27	Large slabs	0	2	0	Cart
28	Small slabs	0	1	0	,,
29	Dry Chillies	0	2	0	Maund
30	Fresh Chillies	0	1	0	,,
31	Drugs Cardamams and Cummin, &c	0	2	0	,,
32	Mangoe Chips and Turmeric	0	2	0	,,
33	Mustard Seeds	0	2	0	,,
34	Coriandrum	0	2	0	,,
35	White Cummin	0	2	0	,,
36	Spices of all sorts	0	2	0	,,
37	Tobacco, 1st sort and Malwa	0	4	0	,,
38	Tobacco 2nd sort and country	0	2	0	,,
39	Tobacco 3rd sort and Zarda	0	2	0	,,
40	Blankets	0	2	0	Cent.
41	Country cloth	0	4	0	,,
42	European cloth	0	8	0	,,
43	Lace	0	4	0	,,
44	Wrought iron	0	2	0	Maund
45	Unwrought iron	0	2	0	,,
46	Lead	0	2	0	,,
47	Metals	0	2	0	,,
48	Indigo	1	0	0	,,
49	Safflower	0	2	0	,,
50	Hemp	0	1	0	,,
51	Twine sack cloth and ropes	0	1	0	,,
52	Coal	0	1	0	Cart

SCHEDULE OF OCTROI RATES FOR THE MUNICIPALITY AT KEKRI

No	NAME OF ARTICLES	Rate of Octroi Duty			
		Rate			Per
		Rs	a	p	
1	Betel nuts	0	2	0	Maund
2	Cocoanut fruits	0	2	0	"
3	Dry dates	0	2	0	"
4	Cocoanuts with rind	0	2	0	"
5	Dry water caltrop	0	2	0	"
6	Fresh dates	0	2	0	"
7	Kaju (Cashew nuts)	0	2	0	"
8	Mohwa berries	0	4	0	"
9	Pistachio nuts	0	2	0	"
10	Raisins Almonds	0	2	0	"
11	Tamarind Fruits	0	2	0	"
12	Fresh fruits	0	2	0	"
13	Ghee	0	4	0	"
14	Grain and rice	0	0	3	"
15	Rice	0	0	3	"
16	Brown Sugar	0	2	0	"
17	White Sugar	0	4	0	"
18	Gur (Molasses)	0	1	0	"
19	Firewood	0	1	0	Cart.
20	Firewood	0	0	3	Animal load
21	Oil for lighting	0	2	0	Maund
22	Oil	0	2	0	"
23	Linseeds, Sirson and Tilli	0	1	0	"
24	Bamboos	0	1	0	Cent
25	Beams	0	1	0	Cart
26	Ban Moonj	0	1	0	Maund.

No	NAME OF ARTICLES	RATE OF OCTROI DUTY			
		Rate			Per
		Rs	a	p	
27	Large slabs	0	2	0	Cart
28	Small slabs	0	1	0	,,
29	Dry Chillies	0	2	0	Maund
30	Fresh Chillies	0	1	0	,,
31	Drugs, Cardamams and Cummin, &c	0	2	0	,,
32	Mangoe Chips and Turmeric ...	0	2	0	,,
33	Mustard Seeds	0	2	0	,,
34	Coriandrum .	0	2	0	,,
35	White Cummin	0	2	0	,,
36	Spices of all sorts	0	2	0	,,
37	Tobacco, 1st sort and Malwa	0	4	0	,,
38	Tobacco, 2nd sort and country	0	2	0	,,
39	Tobacco, 3rd sort and Zarda	0	2	0	,,
40	Blankets .	0	2	0	Cent.
41	Country cloth	0	4	0	,,
42	European cloth	0	8	0	,,
43	Lace	0	4	0	,,
44	Wrought iron	0	2	0	Maund
45	Unwrought iron ...	0	2	0	,,
46	Lead .	0	2	0	,,
47	Metals	0	2	0	,,
48	Indigo	1	0	0	,,
49	Saf flower	0	2	0	,,
50	Hemp	0	1	0	,,
51	Twine, sack cloth and ropes	0	1	0	,,
52	Coal	0	1	0	Cart

CONDITIONS ON WHICH ENCROACHMENTS ON MUNICIPAL LAND HAVE BEEN CONDONED WITH THE SANCTION OF THE CHIEF COMMISSIONER *Vide* HIS LETTER No 1882S, DATED 9TH JULY 1894

A —Conditions in cases of encroachment

(1)—Payment by the trespasser of a fine at the rate of Rs 50 per square yard of the land encroached upon

(2)—Reservation by the Committee of power to resume the land on refunding the amount levied as fine under clause (1)

(3)—Exemption of the Committee (in the event of resumption under clause (2)) from any liability to pay compensation for any buildings which may have been constructed on the land in question or for any action taken in connection therewith by the transferee since its conditional transfer

(4)—Payment by the transferee of a quit rent (in addition to the fine) at the rate of nine annas a year for each plot measuring not more than 25 square feet and one rupee two annas if the area exceeds 25 square feet The quit rent may be capitalized, and the capital amount may be lodged in the Savings Bank in the name of the holder The amount required to produce nine annas a year at the Savings Bank rate of Rs 3 2 0 per cent per annum is Rs 18 That for eighteen annas a year is Rs 36

5—In every case of conditional transfer, a lease in the form appended will be granted and a corresponding bond taken, embodying all the conditions detailed above This document will serve as a perpetual record of the proprietary rights of the Municipality in the land so alienated.

B—Alienations by the Municipality in cases other than those of encroachment

---

(1)—Payment by the transferee at such rate as may be fixed by the Committee and approved by the Chief Commissioner on a consideration of the circumstances of each case as it arises

(2)—Reservation by the Committee of power to resume the land, on refunding the amount levied under clause (1)

(3)—Exemption of the Committee (in the event of resumption under clause (2)) from any liability to pay compensation for any buildings which may have been constructed on the land in question, or for any action taken in connection therewith by the transferee since its conditional transfer

(4)—Payment by the transferee of a quit-rent (in addition to the sale-price) at the rate of nine annas a year for each plot measuring not more than 25 square feet and one rupee two annas if the area exceeds 25 square feet The quit rent may be capitalized, and the capital amount may be lodged in the Savings Bank in the name of the holder The amount required to produce nine annas a year at the Savings Bank rate of Rs 3 2 0 per cent per annum is Rs 18 That for 18 annas a year is Rs 36

(5)—In every case of alienation by lease, a lease in the form appended will be granted, and a corresponding bond taken embodying all the conditions detailed above This document will serve as a perpetual record of the proprietary rights of the Municipality in the land so alienated

B Note In cases of alienation for the use of public utility or convenience which may be considered directly or indirectly to be of benefit to the Municipality, the foregoing rules for alienation in cases other than those of encroachment may be relaxed at the discretion of the Municipal Committee with the special sanction of the Chief Commissioner (*Vide* Chief Commissioner's letter No 538, dated 5th December 1891)

CONDITIONS ON WHICH ENCROACHMENTS ON MUNICIPAL LAND HAVE BEEN CONDONED WITH THE SANCTION OF THE CHIEF COMMISSIONER *Vide* HIS LETTER No 1882S, DATED 9TH JULY 1894

A —Conditions in cases of encroachment

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5—In every case of conditional transfer a lease in the form appended will be granted and a corresponding bond taken, embodying all the conditions detailed above This document will serve as a perpetual record of the proprietary rights of the Municipality in the land so alienated

---

B.—Alienations by the Municipality in cases other than those of encroachment.

(1)—Payment by the transferee at such rate as may be fixed by the Committee and approved by the Chief Commissioner on a consideration of the circumstances of each case as it arises.

(2)—Reservation by the Committee of power to resume the land, on refunding the amount levied under clause (1).

(3)—Exemption of the Committee (in the event of resumption under clause (2)) from any liability to pay compensation for any buildings which may have been constructed on the land in question, or for any action taken in connection therewith by the transferee since its conditional transfer.

(4)—Payment by the transferee of a quit rent (in addition to the sale price) at the rate of nine annas a year for each plot measuring not more than 25 square feet and one rupee two annas if the area exceeds 25 square feet. *The quit rent may* be capitalized and the capital amount may be lodged in the Savings Bank in the name of the holder. The amount required to produce nine annas a year at the Savings Bank rate of Rs. 3-2-0 per cent per annum is Rs. 18. That for 18 annas a year is Rs. 36.

(5)—In every case of alienation by lease, a lease in the form appended will be granted and a corresponding bond taken embodying all the conditions detailed above. This document will serve as a perpetual record of the proprietary rights of the Municipality in the land so alienated.

B. Note.—In cases of alienation for the use of public utility or convenience which may be considered directly or indirectly to be of benefit to the Municipality the foregoing rules for alienation in cases other than those of encroachment may be relaxed at the discretion of the Municipal Committee with the special sanction of the Chief Commissioner. (*Vide* Chief Commissioner's letter No. 538, dated 5th December 1894.)

Duplicate form of Lease one copy to be kept by the lease holder and one by the Committee.

Reference.	
Correspondence ending with letter No. dated from the Secretary to the Chief Commissioner of Ajmere Merwara in the Public Works Department.	To__________________ Son of________________ Inhabitant of____________
*(a) Area in square feet (b) Length (c) Breadth (d) Situation (e) Boundaries	1 The piece of land described in the margin * and marked in yellow colour in the map filed with the correspondence cited above is hereby transferred to you on the following terms —

(1)—That you pay to the Municipal Committee of Ajmere the sum of Rs. on account of the said land at the rate of Rs per square yard.

(2)—That in addition to the payment above mentioned you pay to the Committee with effect from rent for the said land at Rs. per annum or that you will pay to them the capitalized sum of Rs. to be deposited by them in the Post Office Savings Bank the interest thereof to be credited in the Ajmere Municipal accounts as payment of the annual rent

(3)—That the said Committee are at liberty to resume the said land at any time on refunding to you (a) the amount now paid by you under clause (1) on account of the said land, and (b) the capitalized sum of Rs. paid by you into the Savings Bank under clause (2) for rent

(4) That in case of resumption of the said land under clause (3) the Committee shall not be liable for any alteration or improvement of the said land which you may effect between the date of its lease to you under the terms of this document, and the date of its resumption by the Committee, or for the cost of dismantling or removing the same

(5)—That on requisition in writing by the Committee, and payment by them to you of Rs * , you will, within three months of receipt of the said requisition, restore the said land to the Committee or to their duly authorized Agent You will be entitled to claim no compensation for any alterations or improvements which you may have carried out in the land, or for any loss or damage which the removal by the Committee of any building or superstructure on the said land may cause to any other property belonging to you

(a) Amount paid on account of the land, Rs

(b) Capitalized sum if any, deposited in the Savings Bank, Rs

(Sd)

Chairman of Municipal Committee

(Sd)

Secretary of Municipal Committee

I agree to the terms entered above, and having paid the sums* of money shown therein, as quoted in the margin, I have received possession of the land described

* On account of the land Rs
For deposit in Savings Bank ,,

(Sd)

Lease-holder

Ajmere, the day of ______ 189 .

Rules for Building Sites in Ajmere

RULES FRAMED TO REGULATE THE DISPOSAL OF BUILDING SITES IN THE KAISARGUNJ SUBURB OF THE CITY OF AJMERE (SANCTIONED UNDER CHIEF COMMISSIONER'S LETTER NO 2125 DATED 19TH JANUARY 1897)



1 The sites belonging to the Ajmere Municipal Committee and situated in the Kaisargunj suburb shall be disposed of by public auction Particulars regarding the area and position of the sites for disposal and all connected points can be ascertained at the Ajmere Municipal Office during office hours

2 Notices giving the date and place of auction shall be put up in conspicuous places in Ajmere Beawar Nasirabad Kekri and Todgarh and copies thereof shall be circulated as widely as possible A proclamation shall also be made in the above places by beat of drum inviting the attention of the public to the above notices

NOTE —In Beawar Nasirabad Kekri and Todgarh the notices shall be affixed and proclamation made through the Assistant Commissioner of Merwara the Cantonment Magistrate at Nasirabad the Deputy Magistrate at Kekri and the Tahsildar of Todgarh respectively

3 The date of auction shall not be earlier than one month from the date of notice

4 The Ajmere Municipal Committee shall not be bound to accept the highest or any other offer The purchaser at auction shall pay to the Secretary of the Municipal Committee ten per cent of the purchase money at fall of hammer and the remainder within one month of communication to him of the sanction of competent authority to the disposal of the site

5 In the event of the purchaser at auction failing to pay within the time specified the remainder of his bid the 10 per cent previously deposited shall be forfeited and the site shall be again put to auction If the second auction produces a smaller amount than the first the difference shall be paid to the Municipal Committee by the defaulter in the first instance in addition to the 10 per cent deposit noted above

6 The upset rate per square yard shall be for sites

(a) On the Beawar Usri Bazar and Srinagar 1

(b) In all other places

7 The ground rent payable annually by the grantees of sites shall be at the rate of one rupee per 100 square yards The rate will remain in force up to December 31st 1900 A D, when it will be subject to revision along with the general question of ground rents in the Kaisarganj

8 The grantee of a site shall not —

(*a*) Sub divide the site without the approval of the Ajmere Municipal Committee

(*b*) Erect any building on the site without the sanction of the said Committee

(*c*) Use the site for any purpose other than that for which it was granted to him, or for any purpose which the said Committee may prohibit, or

(*d*) Transfer it without the permission in writing of the Committee A fee of Rs 2 shall be paid by persons applying for the permission referred to in (d)

9 The trees &c, standing on a site shall be the property of the grantee unless specially reserved by the Committee at the time of disposing of the site

10 The grantee of a site shall —

(*a*)—Within one month of the communication to him of the sanction of competent authority to the grant execute and register a formal Patta in the attached form in respect of the site granted to him Possession of the site will be given to him as soon as possible after the registration of the Patta

(*b*)—Within six months of the registration of the Patta referred to in the foregoing clause he shall submit a plan and specification of the frontage of the building for the consideration of the Ajmere Municipal Committee and shall abide by their orders in regard to it

(*c*)—Within 12 months of the approval of the plan he shall commence the building and

(*d*)—He shall complete the building within two years of commencement in accordance with the plan approved by the Ajmere Municipal Committee

11 In the event of failure to comply with conditions (*a*) (*b*) and (*c*) of the foregoing rule the grantee's right over the site shall, at the discretion of the Ajmere Municipal Committee, lapse absolutely and entirely and be reverted in the Committee If condition (*d*) be neglected besides the lapse aforesaid the meterials on the site shall (after one month's notice for removal has been given) be sold at auction by the Committee at the risk of the owner The sale proceeds after deducting the cost of auction shall be paid to such owner

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LEASE OF SITE No ————

Situate in the Kaisargunj suburb of Ajmere

The Municipal Committee of Ajmere do hereby grant the following site to
son of   of
for building purposes

(*a*) Area of the site in sq. feet
(*b*) Length
(*c*) Breadth
(*d*) Situation
(*e*) Boundaries

The conditions of this grant are as follows —

(1) That the grantee shall pay unto the Municipal Committee a sum of Rs   as per premium at the rate of   per square yard

2 That the grantee shall pay rent at the rate of one rupee per 100 square yards per annum up to the year 1900 A D, inclusive and thereafter at such rate as may be fixed by the Municipal Committee

3 That the grantee shall within six months from the date of registration of this lease submit for the approval of the Municipal Committee a plan in duplicate with specification of the frontage of the proposed building and shall abide by the orders of the Committee in respect of such building

4 That the grantee shall within 12 months from the date of receiving intimation of the approval of the plan, commence the work.

5 That the lessee shall complete within two years from the date of commencement specified in the preceding clause the work shown in the plan as approved by the Committee

6 That in case of failure to observe the above conditions the Committee shall have a right of re entry in the property leased, and shall on giving the grantee a month's notice to remove his materials (if any) have a right to sell the said materials The sale proceeds shall, after deduction of cost of sale, be paid to the grantee

7 The grantee shall abide by all the conditions in the rules under which his lease is issued, under penalty of forfeiture of his rights in the property referred to herein.

LESSORS—

(Signed) *Chairman*

(Signed) *Secretary*

(Signed) *Lessee*

THE OPIUM ACT 1878.

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SCHEDULE

ACT No I OF 1878

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(*Received the assent of the Governor General on the 9th January* 1878)

An Act to amend the law relating to Opium

Whereas it is expedient to amend the law relating to opium It is here by enacted as follows — Preamble

1 This Act may be called The Opium Act 1878 Short title

It shall extend to such local areas as the Governor General in Council may by notification in the *Gazette of India* from time to time direct Local extent

And it shall come into force [a] in each of such areas on such day as the Governor General in Council in like manner directs in this behalf Commencement

2 [b] The reference made to Bombay Regulations XXI of 1827 and XX of 1830 in Act No VII of 1836 shall be read as if made to the correspon ding sections of this Act Amendment of Act VII of 1836 s

3 In this Act unless there be something repugnant in the subject or context— Interpretation clause

Opium includes also poppy heads preparations or admixtures of opium and intoxicating drugs prepared from the poppy Opium

Magistrate means in the Presidency towns a Presidency Magistrate, and elsewhere a Magistrate of the first class or (when specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class "Magistrate"

Import means to bring into the territories administered by any Local Government from sea or from foreign territory or from a territory adminis tered by any other Local Government "Import"

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[a] Came into force in Ajmere Merwara from 2nd August 1879 See Gazette of India July [illegible] 18[illegible]9 p 465

[b] In Section 2 the first and 2nd paragraphs as originally enacted have been omitted, having been repealed by Act XII of 1891.

"Export" — "Export" means to take out of the territories administered by any Local Government to sea, or to any foreign territory, or to any territory administered by another Local Government.

"Transport." — "Transport" means to remove from one place to another within the territories administered by the same Local Government.

Prohibition of poppy cultivation and possession, &c., of opium. — 4. Except as permitted by this Act, or by any other enactment relating to opium for the time being in force, or by rules framed under this Act or under any such enactment, no one shall—

(a) Cultivate the poppy,
(b) Manufacture opium,
(c) Possess opium
(d) Transport opium,
(e) Import or export opium, or
(f) Sell opium.

Power to make rules to permit such matters. — 5. The Local Government, with the previous sanction of the Governor-General in Council, may, from time to time by notification in the local Gazette, make rules consistent with this Act, to permit absolutely or subject to the payment of duty or to any other conditions, and to regulate within the whole or any specified part of the territories administered by such Government, all or any of the following matters:—

(a) The cultivation of the poppy,
(b) The manufacture of opium,
(c) The possession of opium,
(d) The transport of opium,
(e) The importation or exportation of opium, and
(f) The sale of opium, and the farm of duties leviable on the sale of opium by retail:

Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law relating to sea-customs for the time being in force or under section 6

Duty on opium imported by land. — 6. The Governor-General in Council may from time to time, by notification in the *Gazette of India*, impose such duty as he thinks fit on opium or on any kind of opium imported by land into British India or into any specified part thereof, and may alter or abolish any duty so imposed.

7. The Governor-General in Council may, by order notified in the *Gazette of India*— Warehousing opium

(*a*) Authorize any Local Government to establish warehouses for opium legally imported into, or intended to be exported from, the territories administered by such Local Government, and

(*b*) Cancel any such order

So long as such order remains in force, the Local Government may, by notification published in the official Gazette,

(*c*) Declare any place to be a warehouse for all or any opium legally imported, whether before or after the payment of any duty leviable thereon, into the territories administered by such Government, or into any specified part thereof, or intended to be exported thence, and

(*d*) Cancel any such declaration.

An order under clase (*b*) shall cancel all previous declarations under clause (*c*) of this section relating to places in the territories to which such order refers

So long as such declaration remains in force, the owner of all such opium shall be bound to deposit it in such warehouse

8. The Local Government, with the previous sanction of the Governor-General in Council, may, from time to time by notification in the local Gazette, make rules consistent with this Act to regulate the safe custody of opium warehoused under section seven, the levy of fees for such warehousing, the removal of such opium for sale or exportation, and the manner in which it shall be disposed of if any duty or fees leviable on it be not paid within twelve months from the date of warehousing the same Power to make rules relating to warehouses.

9. Any person who, in contravention of this Act, or of rules made and notified under section 5 or section 8, Penalty for illegal cultivation of poppy, &c

(*a*) Cultivates the poppy, or

(*b*) Manufactures opium, or

(*c*) Possesses opium, or

(*d*) Transports opium or

(*e*) Imports or exports opium, or

(*f*) Sells opium, or

(g) Omits to warehouse opium or removes or does any act in respect of warehoused opium,

and any person who otherwise contravenes any such rule

shall on conviction before a Magistrate be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both,

and where a fine is imposed the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced

Presumption in prosecutions under Section 9

10. In prosecutions under section 9 it shall be presumed until the contrary is proved that all opium for which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under this Act

Confiscation of opium

11 In any case in which an offence under section 9 has been committed—

(a) The poppy so cultivated,

(b) The opium in respect of which any offence under the same section has been committed,

(c) Where in the case of an offence under clause (d) or (e) of the same section the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, importing or exporting,

(d) Where in the case of an offence under clause (f) of the same section the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation

The vessels, packages and coverings in which any opium liable to confiscation under this section is found and the other contents (if any) of the vessel or package in which such opium may be concealed and the animals and conveyances used in carrying it, shall likewise be liable to confiscation

12 When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted, but the Magistrate decides that the opium is liable to confiscation such confiscation may be ordered by the Magistrate

Order of confiscation by whom to be made

Whenever confiscation is authorized by this Act, the officer ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit

When an offence against this Act has been committed but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector of the District or Deputy Commissioner or by any other officer authorized by the Local Government in this behalf either personally or in right of his office who may order such confiscation Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons (if any) claiming any right thereto and the evidence (if any) which they produce in support of their claims

13 The Local Government may, with the previous sanction of the Governor-General in Council, from time to time, by notification in the local Gazette, make rules consistent with this Act to regulate—

Power to make rules, regarding disposal of things confiscated and rewards.

(a) The disposal of all things confiscated under this Act and

(b) The rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act

14 Any officer of any of the departments of Excise Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, who may in right of his office be authorized by the Local Government in this behalf and who has reason to believe from personal knowledge or from information given by any person and taken down in writing, that opium liable to confiscation under this Act is manufactured kept or concealed in any building, vessel or enclosed place may, between sunrise and sunset

Power to enter arrest and seize on information that opium is unlawfully kept in any enclosed place

(a) Enter into any such building vessel or place,

(b) In case of resistance, break open any door and remove any other obstacle to such entry,

(c) Seize such opium and all materials used in the manufacture thereof and any other thing which he has reason to believe to be liable to confiscation under section eleven or any other law for the time being in force relating to opium and

(d) Detain and search and if he think proper arrest any person whom he has reason to believe to be guilty of any offence relating to such opium under this or any other law for the time being in force

Power to seize opium in open places.

15 Any officer of any of the said departments may—

(a) Seize in any open place or in transit any opium or other thing which he has reason to believe to be liable to confiscation under section eleven or any other law for the time being in force relating to opium

Power to detain, search and arrest.

(b) Detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law and if such person has opium in his possession arrest him and any other persons in his company

Searches how made.

16 All searches under section fourteen or section fifteen shall be made in accordance with the provisions of the Code of Criminal Procedure.

Officers to assist each other.

17 The officers of the several departments mentioned in section fourteen shall upon notice given or request made be legally bound to assist each other in carrying out the provisions of this Act.

Vexatious entry, search, seizure and arrest.

18. Any officer of any of the said departments who without reasonable ground of suspicion enters or searches, or causes to be entered or searched any building vessel or place

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under this Act

or vexatiously and unnecessarily detains searches or arrests any person shall for every such offence be punished with fine not exceeding five hundred rupees.

Issue of warrants.

19 The Collector of the District, Deputy Commissioner or other officer authorized by the Local Government in this behalf either personally or in right of his office, or a Magistrate may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to opium or for the search whether by day or night, of any building or vessel

or place in which he has reason to believe opium liable to confiscation to be kept or concealed

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure

20 Every person arrested and thing seized under section fourteen or section fifteen shall be forwarded without delay to the officer in charge of the nearest Police station and every person arrested and thing seized under section nineteen shall be forwarded without delay to the officer by whom the warrant was issued Disposal of person arrested or things seized

Every officer to whom any person or thing is forwarded under this section shall with all convenient despatch take such measures as may be necessary for the disposal according to law of such person or thing

21 Whenever any officer makes any arrest or seizure under this Act he shall within forty eight hours next after such arrest or seizure make a full report of all the particulars of such arrest or seizure to his immediate official superior Report of arrests and seizures

22 In the case of alleged illegal cultivation of the poppy the crop shall not be removed but shall pending the disposal of the case be attached by an officer superior in rank to a peon or constable who may in right of his office be authorized by the Local Government in this behalf and such officer shall require the cultivator to give bail in a reasonable amount (to be fixed by such officer) for his appearance before the Magistrate by whom the case is to be disposed of and such cultivator shall not be arrested unless within a reasonable time he fails to give such bail Procedure in case of illegal poppy cultivation

Provided that, wherever Act No XIII of 1857 (an *Act to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal*) or any part thereof is in force nothing in this section shall apply to such cultivation.

23 Any arrear of any fee or duty imposed under this Act or any rule made hereunder, and any arrear due from any farmer of opium revenue may be recovered from the person primarily liable to pay the same to the Government or from his surety (if any) as if it were an arrear of land re Recovery of arrears of fees &c

Farmer may apply to Collector or other officer to recover amount due to him by licensee

24 When any amount is due to a farmer of opium-revenue from his licensee in respect of a license, such farmer may make an application to the Collector of the District, Deputy Commissioner or other officer authorized by the Local Government in this behalf, praying such officer to recover such amount on behalf of the applicant, and on receiving such application, such Collector, Deputy Commissioner or other officer may in his discretion recover such amount as if it were an arrear of land revenue, and shall pay any amount so recovered to the applicant

Provided that the execution of any process issued by such Collector, Deputy Commissioner, [a] or other officer for the recovery of such amount, shall be stayed if the licensee institutes a suit in the Civil Court to try the demand of the farmer, and furnishes security to the satisfaction of such officer for the payment of the amount which such Court may adjudge to be due from him to such farmer

Provided also that nothing contained in this section or done thereunder shall affect the right of any farmer of opium-revenue to recover by suit in the Civil Court or otherwise any amount due to him from such licensee

Recovery of penalties due under bond.

25 When any person in compliance with any rule made hereunder gives a bond for the performance of any duty or act, such duty or act shall be deemed to be a public duty or an act in which the public are interested, as the case may be, within the meaning of the Indian Contract Act 1872 section 74, and upon breach of the condition of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him as if it were an arrear of land-revenue

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SCHEDULE.

(Repealed by Act XII of 1891)

(a) The Words "Deputy Commissioner" have been substituted for the words "Deputy Collector" by Act XII, of 1891

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS

[1] *No.* 1705, *dated the* 12*th July* 1879

In exercise of the powers conferred by the Opium Act I of 1878, the Governor-General in Council is pleased to direct that the said Act shall come into force in the territories administered by the Chief Commissioner of Ajmere and Merwara, on the 2nd day of August 1879

[2] *No.* 47, *dated the* 22*nd January* 1885

The Chief Commissioner is pleased to authorise the exercise by all Police Officers in the Ajmere-Merwara District, not inferior in rank to a Sub-Inspector, of the powers described in section 14 of the Opium Act 1878

[3] *No* 541—589, *dated Abu,* 22*nd May* 1886

The Chief Commissioner is pleased to authorize the exercise by all Excise Officers in Ajmere-Merwara, not inferior in rank to a Sub Inspector, of the powers described in section 14, Act I of 1878 (Opium Act).

(1) See Gazette of India for 1879, part I, page 466.
(2) Gazette of India, part II for 1885, page 44
(3) Gazette of India, part II for 1886, page 349.

NOTIFICATION

[a] No 514—589, *dated Abu, the 17th May* 1898

In exercise of the powers conferred by sections 5 and 13 of the Opium Act 1878 (I of 1878), and with the previous sanction of the Governor-General in Council, the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules in supersession of those published with his Notification No O R 589, dated the 12th August 1897 —

CHAPTER I

Definition

1 In these rules, unless there is something repugnant in the subject or context —

Definitions

1 Ajmere Merwara' means the territories administered by the Chief Commissioner of Ajmere-Merwara,

2 Chief Commissioner' means the Chief Commissioner of Ajmere-Merwara,

3 Commissioner" means the Commissioner of Ajmere-Merwara

4 Collector' means the chief officer in charge of the revenue-administration of a district, and includes any person specially authorised by the Chief Commissioner by name or in virtue of his office to discharge all or any of the functions of a Collector under these rules,

5 "Opium' includes preparations or admixtures of opium and intoxicating drugs prepared from the poppy, but it does not include poppy-heads

6 "Poppy-heads" means the dry capsules of the poppy plant,

7 "Tola' means a weight of one hundred and eighty grains Troy,

8 "Seer" means a weight of eighty tolas,

9 Opium, other than preparations or admixtures of opium used for smoking, when sold in any quantity not exceeding 5 tolas in weight, and poppy-heads, when sold in any quantity not exceeding 8 seers in weight, shall be deemed to be sold by

[a] See Gazette of India, 2 th May 1898, part II, p 5?3

"retail," and when sold in any larger quantity shall be deemed to be sold "wholesale."

10 "Farmer" used with reference to opium or poppy-heads or both, means a person to whom the exclusive right of retail sale of opium, other than preparations or admixtures of opium used for smoking, or of poppy-heads or of both as the case may be, in any local area, has been let in farm under these rules,

11 "Licensed vendor," used with reference to opium or poppy-heads or both, means a person to whom a license for the retail sale of opium other than preparations or admixture of opium used for smoking or of poppy heads or of both, as the case may be, has been granted under these rules, and

12 "Licensed druggist" means a person to whom the Collector has granted free of charge a license for the retail sale of opium other than preparations or admixtures of opium used for smoking, and of poppy-heads for medicinal purposes only

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CHAPTER II

Cultivation, Manufacture, Possession and Sale

Part I—In defined areas

2 In such local areas as the Chief Commissioner may from time to time, by notification in the Gazette of India define in this behalf — Operations permitted in defined areas

(a) The cultivation of the poppy,

(b) The manufacture of opium

(c) The possession of opium or poppy-heads and

(d) The sale of opium other than preparations or admixtures of opium used for smoking or poppy-heads,

are permitted subject to the conditions and to the extent prescribed in or under this part of this Chapter

3 Any person to whom the Collector, with the general or special sanction of the Commissioner, has granted a license to cultivate the poppy, may cultivate it subject to the conditions of his license Permission to cultivate

[Opium

Rules

Permission to manufacture

4 (1) Any person to whom the Collector, with the general or special sanction of the Commissioner, has granted a license to manufacture opium other than preparations or admixtures of opium used for smoking may manufacture it subject to the conditions of his license

(2) Any person may manufacture for his own domestic use opium possessed by him under paragraph (1) or paragraph (2) of the next following rule —

Permission to possess

5 (1) Any person may possess —

(a) Opium, other than a preparation or admixture of opium used for smoking to an amount not exceeding 5 tolas in weight,

(b) Any preparation or admixture of opium used for smoking to an amount not exceeding 1 tola in weight provided that the preparation or admixture has been manufactured by the possessor for private consumption and not for sale,

(c) Poppy-heads to an amount not exceeding 8 seers in weight

(2) A person authorised by the general or special order in writing of the Collector to possess opium or poppy-heads in quantity exceeding in weight that specified in paragraph (1) of this rule may possess the opium or poppy-heads covered by the order

(3) A licensed druggist may, subject to the conditions of his permit, possess opium, other than preparations or admixtures of opium used for smoking not exceeding one seer in weight and poppy-heads not exceeding ten seers in weight.

(4) A person having a license under rule 3 may possess crude opium and poppy heads which are the produce of land cultivated with the poppy in accordance with his license

(5) A farmer or licensed vendor of opium or poppy-heads may, subject to the conditions of his lease or license, possess opium other than preparations or admixtures of opium used for smoking, or poppy-heads, as the case may be, in any quantity

Permission to sell wholesale

6 (1) A person having a license under rule 3 may sell wholesale to a farmer or licensed vendor or to a person authorised in this behalf by the general or special order in writing of the Collector, crude opium or poppy-heads being the produce of land cultivated with the poppy in accordance with his license

(2) A person authorised in this behalf by the general or special order in writing of the Collector may sell opium other than preparations or admixtures of opium used for smoking or poppy heads wholesale to a farmer or licensed vendor or to a person authorised by the general or special order in writing of the Collector to be the buyer thereof

(3) A farmer of opium or poppy heads may, subject to the conditions of his lease sell opium other than preparations or admixtures of opium used for smoking or poppy heads as the case may be wholesale, to a licensed vendor thereof

(4) A farmer or licensed vendor of opium or poppy heads may subject to the conditions of his lease or license sell to a licensed druggist opium other than preparations or admixtures of opium used for smoking not exceeding one seer in weight or poppy heads not exceeding ten seers in weight as the case may be

7 (1) A farmer or licensed vendor of opium or poppy heads may subject to the conditions of his lease or license sell opium other than preparations or admixtures of opium used for smoking or poppy heads as the case may be by retail to any person — Permission to sell by retail.

(2) A licensed druggist may, subject to the conditions of his license sell opium other than preparations or admixtures of opium used for smoking or poppy heads by retail for medicinal purposes only

8 (1) Licenses for the retail sale of opium other than preparations or admixtures of opium used for smoking or poppy heads or both shall be granted by the Collector and shall be for one year only unless the Chief Commissioner otherwise specially directs. — Grant of licenses for retail sale

(2) The Commissioner shall from time to time fix the number of shops for which licenses may be granted and the exclusive right to sell opium, other than preparations or admixtures of opium used for smoking or poppy-heads or both by retail at those shops shall be put up to auction by the Collector at or before the commencement of each official year, either for each shop singly or for groups of shops as the Collector subject to the control of the Commissioner sees fit

(3) The conditions of the auctions shall be such that the sum payable in respect of the shop or shops as the case may be by the person declared to be the purchaser at the auction shall be paid by that person in such instal

ments and at such times and such security shall be required from him for the payment thereof, as subject to any instructions that may be issued by the Chief Commissioner in this behalf the Collector in each case directs

Cancellation of licenses for retail sale

9 (1) A license granted under the last foregoing rule may be cancelled without compensation by the Collector for any cause specified in the license

(2) Where the Collector considers that any such license should be cancelled for any cause not specified therein, he shall remit a sum equal to the average amount payable for fifteen days of the period for which the license was granted and shall either give fifteen days previous notice of his intention to cancel the license, or in addition to remitting the sum aforesaid, make such compensation for default of notice as the Commissioner directs On the expiration of the notice, or on the payment of the additional compensation the Collector may cancel the license

Surrender of licenses for retail sale

10 (1) A licensed vendor may surrender his license on the expiration of one month s previous notice given by him in writing to the Collector of his intention to surrender the same and on payment of such sum as the Collector may fix in this behalf not exceeding the average amount payable for six months of the period for which the license was granted or where the license is granted for a shorter period than one year, then for half that period

(2) If the Collector is satisfied that there is sufficient reason for surrendering a license, he may with the sanction of the Commissioner, remit the sum so fixed

Withdrawal of permits

11 The Collector may at any time with or without cause assigned, and without payment of compensation withdraw a license from a licensed druggist

Farm of right of retail sale

12 (1) The Collector may let in farm the exclusive right of retail sale of opium other than preparation or admixtures of opium used for smoking or poppy heads or both within any local area —

(a) For a term not exceeding two years with the sanction of the Commissioner, and

(b) For a term not exceeding five years with the sanction of the Chief Commissioner

(2) When the exclusive right of retail sale is let in farm, the farmer may, subject to the conditions of his farming-lease, himself sell by retail, or issue licenses under the countersignature of the Collector for the retail sale of opium other than preparations or admixtures of opium used for smoking, or poppy heads or both, as the case may be, within the local area to which the farming lease extends

(3) Every farmer shall file in the Collector's office a list of all licenses granted by him in such form, and on such day or days in each year, as the Commissioner may from time to time prescribe

13 The Chief Commissioner may from time to time issue instructions with respect to— *Issue of instructions with respect to farm*

(a) The invitation and acceptance of tenders for farming leases under the last foregoing rule, and

(b) The requisition of security for the due fulfilment of the conditions of farming lease

14 (1) The Collector may, with the leave of the authority by which a farming lease under rule 12 was sanctioned, cancel the lease, or within the term of the lease, make or impose such reservations or restrictions with respect to the grant of licenses as to him may seem fit *Interference with farming leases*

(2) If the farming lease is cancelled for any cause specified therein, the farmer shall not be entitled to compensation for any loss he may sustain thereby

(3) If the farming lease is cancelled for any cause not specified therein, or if any reservation or restriction with respect to the grant of licenses is made or imposed within the term of the lease the farmer shall be entitled to receive for any loss which he sustains thereby such compensation as the Chief Commissioner may determine

15 The Chief Commissioner may from time to time prescribe— *Power to prescribe forms*

(a) The forms and conditions in and on which licenses permits and leases shall be granted by the Collector and licenses by farmers and

(b) Forms for any other proceedings under these rules for which he considers that forms should be provided

PART II—IN OTHER AREAS

Operations permitted in undefined areas.

16 Save in such local areas as the Chief Commissioner may have defined under rule 2—

(*a*) The cultivation of the poppy

(*b*) The manufacture of opium in any quantity,

(*c*) The possession of opium or poppy heads in any quantity and

(*d*) The sale of opium other than preparations or admixtures of opium used for smoking or poppy heads in any quantity are permitted absolutely provided that the possession of preparations or admixtures of opium used for smoking shall be restricted to such preparations as have been manufactured by the possessor for private consumption and not for sale.

CHAPTER III

IMPORT EXPORT AND TRANSPORT

Import

17 Subject to the provisions of these rules with respect to possession the import of opium other than preparations or admixtures of opium used for smoking and poppy heads except from British India is permitted absolutely

Export

18 (1) Subject to the provisions of these rules with respect to possession, the export of opium other than preparations or admixtures of opium used for smoking and poppy heads except to British India is permitted absolutely

(2) Opium other than preparations or admixtures of opium used for smoking may be exported to or through British India only when covered by a pass signed by the Opium Agent of Indore or by the Opium Agent of Ajmere or by an officer authorised by one of those Agents to sign the pass and under the conditions and restrictions prescribed in the schedule to these rules

Transport

19 Subject to the provisions of these rules with respect to possession the transport of opium other than preparations or admixtures of opium used for smoking and poppy heads is permitted absolutely

CHAPTER IV

DISPOSAL OF THINGS CONFISCATED

Disposal of confiscated things

20 (1) All things confiscated under the Opium Act 1878 except poppy poppy heads and opium shall be disposed of by the Collector by public auction

(2) Poppy and poppy heads so confiscated shall be disposed of as the Collector may direct

(3) Opium so confiscated shall be sent for examination to the Civil Surgeon, and, if declared by him to be fit for use shall be sent to the nearest Government treasury or sub treasury, and thereafter disposed of in such manner as the Collector may direct If the opium is declared by the Civil Surgeon to be unfit for use, it shall immediately be destroyed

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CHAPTER V

Rewards

21 (1) A Magistrate convicting an offender under section 9 of the Opium Act, 1878 may award to any person who has contributed in any way to the conviction, the whole or any portion of any fine imposed upon the offender and paid by him or realised from his property Rewards in case of fine

(2) If the fine is not realised, or only realised in part, the Magistrate may, within a limit of one hundred rupees, order payment of its full amount, or of the unrealised balance as the case may be, out of the treasury

(3) If the Magistrate is of opinion that a larger reward than he can give under this rule to a person who has contributed to the conviction ought to be given to that person, he may move the Chief Commissioner through the Collector, to grant a larger reward

22 A Magistrate or other officer ordering the confiscation of anything under section 12 of the Opium Act 1878 may grant to any person who has contributed in any way to the seizure of the thing the whole or any portion of the value thereof Rewards in case of confiscation

23 (1) In any case in which, in the opinion of the Chief Commissioner, a person has performed service of special merit in respect of the prevention or detection of an offence against the Opium Act 1878 the Chief Commissioner may grant him a reward not exceeding five hundred rupees in amount Rewards in other cases.

(2) The Chief Commissioner, or with the sanction of the Chief Commissioner, the Commissioner may incur expenditure not exceeding five hundred rupees in each case for the employment of informers or for any other purpose connected with the prevention or detection of offences against the Opium Act 1878

CHAPTER VI

Appeal and Revision

Appeal

24 An appeal shall lie to the Commissioner from every order of the Collector under these rules, if presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days from the date of the order

Revision

25 The Chief Commissioner may revise every order passed by the Collector or the Commissioner under these rules

Form of petition

26 A petition of appeal from, or for revision of, an order shall be accompanied by the order in original or by an authenticated copy thereof, or the omission to produce the original or copy shall be explained

SCHEDULE

(*Rule* 18)

1 Upon opium exported from Ajmere there shall be payable to the Government such duty as may from time to time be prescribed by the Governor General in Council by notification in the *Gazette of India*

The duty prescribed under this paragraph need not be uniform for all opium exported from Ajmere, but may vary with the destination of the opium or any other circumstance described in the notification

2 The Rajputana Malwa Railway Administration shall not receive opium for export to British India, except under a pass and in whole or half chests

3 The amount of duty will be paid into the treasury either in cash or by hundi and the Treasury Officer will give the person tendering payment a receipt for the amount so paid On production of the receipt the number of chests for which duty has been paid will be admitted into the opium godown

4 Hundis will, on being approved of by the Treasury Officer, be registered and numbered, and be endorsed on the reverse side with the name of the person on whom they are drawn, they will be forwarded by the Treasury Officer under sealed and registered cover, if the opium is for export by sea

direct to the Accountant General Bombay and if it is not for export by sea to the officer mentioned in the pass to whom the Treasury Officer may be directed to forward it The register will be in the following form —

(1) Number of pass
(2) Date of pass
(3) Number of chests covered by pass
(4) Consecutive number of hundi
(5) Date of hundi
(6) By whom drawn
(7) On whom drawn
(8) At how many days sight
(9) When due
(10) Amount of hundi
(11) Total amount of duty
(12) Remarks

5 To facilitate check passes will bear the same numbers as the hundis and these numbers will be entered in column 1 Number of pass The total in column Total amount of duty will be the total for each continuation register, and will be carried forward into the next and numbers of passes so entered in the first column will be distinctly specified in the advice sent to the Accountant General

6 A duplicate of this register if the export is to be by sea will be sent to the Collector of Customs and Opium Bombay or if the export is by land to the officer to whom the hundi has been sent under paragraph 4 of this schedule

7 Opium intended for export by sea or for home consumption in India shall be brought to the Government godown ready packed in chests or half chests (as may be most convenient) by the merchants or brokers who will produce the Treasury Officer s certificate under his signature for cash or his receipt for hundis on stamped paper payable at sight to the Bombay General Treasury and Bank of Bombay The Deputy or Assistant Opium Agent will carefully inspect the Treasury Officer s signature to the certificate and note the serial number of the receipt to satisfy himself that the receipts are genuine The duty on opium intended for consumption in India must be paid in cash or by approved hundis into some treasury in British India and the receipt of the Treasury officer must be produced

8 The chests or half chests of each party will be placed in the opium godown and will have their covers printed and stamped and each chest or half chest will then be numbered consecutively in English

9 Merchants will themselves provide and pay for porters carpenters and men for marking the chests and sewing up the covers of such chests as have been opened for weighment, they will also pay all expenses of conveying their chests to the railway station and of transit thence to their destination

CHAPTER VI

APPEAL AND REVISION

Appeal — 24 An appeal shall lie to the Commissioner from every order of the Collector under these rules if presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days from the date of the order

Revision — 25 The Chief Commissioner may revise every order passed by the Collector or the Commissioner under these rules

Form of petition — 26 A petition of appeal from or for revision of, an order shall be accompanied by the order in original or by an authenticated copy thereof, or the omission to produce the original or copy shall be explained

SCHEDULE

(*Rule* 18)

1 Upon opium exported from Ajmere there shall be payable to the Government such duty as may, from time to time, be prescribed by the Governor General in Council by notification in the *Gazette of India*

The duty prescribed under this paragraph need not be uniform for all opium exported from Ajmere, but may vary with the destination of the opium or any other circumstance described in the notification

2 The Rajputana Malwa Railway Administration shall not receive opium for export to British India, except under a pass and in whole or half chests

3 The amount of duty will be paid into the treasury either in cash or by hundi, and the Treasury Officer will give the person tendering payment a receipt for the amount so paid On production of the receipt the number of chests for which duty has been paid will be admitted into the opium godown

4 Hundis will, on being approved of by the Treasury Officer, be registered and numbered, and be endorsed on the reverse side with the name of the person on whom they are drawn, they will be forwarded by the Treasury Officer under sealed and registered cover, if the opium is for export by sea

16 Full particulars must be entered in the pass for each consignment showing —

On the first side of Pass	1	Number of pass
	2	Name of the owner of chest
	3	Number of chest
	4	Amount of duty
	5	Amount of duty paid in cash at Ajmere
	6	Amount of duty to be realized on hundi
	7	Rate of duty
	8	Date of Government orders
	9	Date of pass
	10	Signature of the officer by whom the pass was granted and who made the weighments
On the second side		Net weighment of opium of certain chests selected from the whole consignment
On the third side		Gross weighment of every chest its contents and destination

17 A duplicate of each pass granted will be sent to the officer who issued the permit authorising the export of the opium mentioned in the pass At Bombay the Customs Officer will test the weighments by fresh weighments Elsewhere this test will be applied by the Deputy Commissioner or Collector and as there always occurs a certain amount of dryage in transit the weight of opium should invariably fall short of the weight recorded at Ajmere

18 Two weekly registers for the week ending on Saturday in the form appended to this Schedule will be prepared and forwarded one to the Secretary to the Government of India Department of Finance and C[illegible] the other to the Chief Commissioner of Ajmere a copy being sent at the godown and will have [illegible] in a Bombay if the half che t will then be numbered consecutively in Eng[illegible]

19 Merchants will themselves provide and pay for porters carpenters for marking the chests and sewing up the covers of such chests [illegible] been opened for weighment they will also pay all expenses of conveying the chests to the railway station and of transit thence to their destination

20 The pass is only valid till the arrival in Bombay of the consignment covered by it, or for three months from the date of the issue of the pass

Weekly Register of Opium Passes granted at Ajmere in 189

Week ending——————————189 .

No	Date		In whose Name	Chests	Amount		
			Total brought forward from end of last week				
			For the week ending on the ——————189				

Opium Agent and Commissioner of
Ajmere and Merwara.

AJMERE

The——————189

LICENSE FOR THE CULTIVATION OF THE POPPY UNDER RULE 3 OF THE OPIUM RULES OF 1887

District
No of license
Name of licensee
Locality

Be it known that ________________ son of ________________ resident of ________________ in the District of Ajmere Merwara, is hereby authorized to cultivate Poppy in the lands referred to in the Schedule hereunto annexed from the date of this license to the ________________ day of ________________ 189___ upon the following conditions —

I —That the licensee shall not sell the standing crop to any person other than a *farmer or †licensed vendor, or to any person who is not authorized to sell opium or poppy heads ‡wholesale or to manufacture opium

II —That he shall not later than the 1st November certify to the Collector in writing the quantity of the produce raised by him giving separate details for opium and poppy heads

NOTE —* Farmer used with reference to opium or poppy heads or both means a person to whom the exclusive right of retail sale of opium or of poppy heads or of both as the case may be in any local area has been let in farm under the Opium Rules of 1887

NOTE —† Licensed vendor used with reference to opium or poppy heads or both means a person to whom a license for the retail sale of opium or of poppy heads or of both as the case may be has been granted under the Opium Rules of 1887

NOTE —‡Opium when sold in any quantity not exceeding 5 tolas in weight and poppy heads when sold in any quantity not exceeding 8 seers in weight shall be deemed to be sold by retail and when sold in any larger quantity shall be deemed to be sold "wholesale

III —That he shall enter or cause to be entered in this license the *actual outturn of opium and poppy heads and particulars of* all sales thereof every sale being attested by the signature of the purchaser

IV —That he may sell opium or poppy heads wholesale to a farmer or licensed vendor or to a person authorized in this behalf by general or special order in writing of the Collector

V —That he shall not sell opium or poppy heads by retail

VI —That if the produce is not disposed of during the term of this license he shall obtain from the Collector an order under rule 5 (2) to possess the quantity unsold

VII —That infringement of any of the conditions of this license shall subject him to the penalty prescribed in the law for the time being in force and to forfeiture of this license

SCHEDULE

Name of field	Number in Settlement record	Area

Dated *Collector of*

LICENSE FOR THE MANUFACTURE OF OPIUM UNDER RULE 4 (1) OF THE OPIUM RULES OF 1887

District
No of License
Name of Licensee
Locality

Be it known that_______son of_________resident of________ in the District of Ajmere-Merwara, is hereby authorised to manufacture opium from the date of this License to the________day of________ 189 ____upon the following conditions —

I —That the licensee shall not sell opium manufactured under this license by *retail to any person whatever

II —That he shall not sell opium manufactured under this license by † *wholesale to any person other than a ‡ farmer or* licensed § vendor or person authorized by general or special order of the Collector to possess or sell opium in wholesale quantities

NOTE —* † Opium when sold in any quantity not exceeding 5 tolas in weight, and poppy-heads when sold in any quantity not exceeding 8 seers in weight shall be deemed to be sold by "retail," and when sold in any larger quantity shall be deemed to be sold "wholesale"

NOTE —‡ "Farmer" used with reference to opium or poppy-heads or both means a person to whom the exclusive right of retail sale of opium or of poppy heads or of both, as the case may be, in any local area has been let in farm under the Opium Rules of 1887.

NOTE.—§ "Licensed vendor" used with reference to opium or poppy-heads or both means a person to whom a license for the retail sale of opium or of poppy heads or of both, as the case may be, has been granted under the Opium Rules of 1887

III —That he shall, not later than the 1st November, certify to the Collector in writing the quantity of opium manufactured by him

IV —That he shall enter or cause to be entered in this license the actual outturn of opium manufactured and particulars of all sales thereof every sale being attested by the signature of the purchaser

V —That if the quantity of opium manufactured by him is not disposed of during the term of this license, he shall obtain *from the Collector an order under rule 5 (2) to possess* the quantity unsold

VI —That infringement of any of the conditions of this license shall subject him to the penalty prescribed by the law for the time being in force, and to forfeiture of this license

Dated *Collector of*

ORDER UNDER RULES 5 (2) AND 6 (2) OF THE OPIUM RULES OF 1887

To

____

Resident of________________

Subject to the following conditions you are hereby allowed to possess or sell opium exceeding 5* tolas or poppy heads exceeding 8* seers in weight

*Dated*________________

*Collector of*________________

CONDITIONS

I - That you shall keep in the form hereto annexed a true and correct account of †receipts issues or sales of the opium or poppy heads covered by this permit

II —That under this order you shall not sell opium or poppy heads by ‡retail

III —That you shall sell ‡ wholesale only to a farmer or licensed vendor or to a person authorized by general or special order in writing of the Collector to possess or sell opium or poppy heads or both wholesale

* NOTE (a) In the case of a special order strike out the words exceeding 5 tolas" in weight and insert in their place the quantity of opium or poppy heads by the permit

† NOTE (b) In the case of a special order strike out the word receipts

‡ NOTE (c) Opium when sold in any quantity not exceeding 5 tolas in weight and poppy heads when sold in any quantity not exceeding 8 seers in weight shall be deemed to be sold by retail and when sold in any larger quantity shall be deemed to be sold wholesale Definition (9).

Opium.]

Rules

IV.—That all sales shall be attested in the aforesaid Register by the signature of the purchaser.

V.—That all §imports and exports of the said articles be certified to the Collector within one week from the date thereof, and shall be duly entered in the said account.

VI.—That the account shall be open to inspection by such officers as are, or may hereafter be, duly authorized in this behalf by the Collector.

VII.—That the stock of opium or poppy-heads shall be kept in a special godown accessible to the said officers, who may cause such stock, or part thereof, to be weighed and checked with the Register.

VIII.—That infringement of any of these conditions shall render you liable to the penalty prescribed by any law for the time being in force.

IX.—That this license shall not remain in force for more than two years from the date hereof.

§ NOTE (*d*). In the case of special order strike out the word "imports."

Register of opium and poppy heads referred to in the order under Rules 5 (2) and 6 (2)

Name of dealer	Date of order	Quantity of opium and poppy heads in stock on date of order	Quantity received		Total quantity	SALES.			ISSUES			REMARKS
			Date	Weight		Date	Quantity	Signature of purchaser	Date	Quantity exported	Authority for export	
1	2	3	4	5	6	7	8	9	10	11	12	13

NOTE.—Balance should be struck monthly.

SPECIAL LICENSE TO LICENSED DRUGGIST UNDER RULE 5 (3) OF THE OPIUM RULES OF 1887

District .
No of License
Name of Licensee
Locality

Special license granted to__________following the profession of__________at__________in the District of Ajmere Merwara for the retail of opium pure or mixed, and of poppy heads on the following conditions —

I —That such opium or poppy heads shall be procured from a licensed vendor or farmer

II —That under no circumstances shall the licensee possess opium exceeding one seer or poppy heads exceeding 10 seers in weight *respectively*

III —That the opium and poppy heads shall be used *bona fide* as medicine or in medical preparations

IV —That the Collector may at any time with or without cause assigned and without payment of compensation, withdraw this license

V —That this license shall not remain in force for more than two years from the date hereof

VI —That infringement of any of the foregoing conditions shall render the licensee liable to the penalty prescribed by the law for the time being in force

Date *Collector of*

FORM OF FARMING LEASE UNDER RULE 12 OF THE OPIUM RULES OF 1887

Be it known that_____________________________son of _____________resident of_________________is hereby authorised to sell by retail opium or poppy heads or both (excluding or including Chandu as the case may be) in________________upon the following conditions, any infringement of which shall render his lease liable to forfeiture and subject him to the penalty prescribed by law for such offence

I —That he shall pay monthly in advance on the first day of each month commencing on the______________189__ on account of his farm the following sums —

____

____

____

II —That all risks of loss from failure of seasons or from any other cause whatsoever shall be borne by him and he shall make all payments as aforesaid from time to time as they fall due without any excuse or claim for compensation whatsoever

III —That he shall be bound by the Opium Act the rules framed thereunder by the Local Government, and all other laws in force for the time being in this behalf

IV —That he shall keep a shop (or shops) only at the place (or places) noted in the margin or at such other place (or places) as the Collector with the previous sanction of the Commissioner may from time to time permit or order

V —That he shall make his own arrangements for obtaining supplies of opium and poppy heads which he is hereby authorized to sell provided always that he shall not purchase the same from any person in the Ajmere Merwara District other

than the Collector of Ajmere a cultivator or a person authorized by general or special order in writing of the Collector to sell opium or poppy heads or both, wholesale, and that he shall always maintain in his shop (or shops) such minimum stocks of opium and poppy heads as may be directed by the Collector

VI — That he shall sell wholesale only to licensed vendors, and to licensed druggists not more than one seer of opium or 10 seers of poppy heads at one time

VII — That he shall from time to time submit to the Collector for his approval the names ages and addresses of all persons employed by him as licensed vendors and shall forthwith dismiss any person so employed on being required to do so by the Collector

VIII — That he shall not without the written permission of the Collector sublet in whole or in part the right of vend conferred upon him by this lease or admit partners into his business

IX — That he shall not sell to one and the same person (other than a licensed vendor or a licensed druggist) on any one day opium or poppy heads exceeding in the aggregate

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X — That he shall not receive grain ornaments wearing apparel or other goods in barter or pawn for opium or poppy heads

XI — That he shall keep his shop (or shops) open during such hours as may from time to time be prescribed by the Collector

XII — That he shall not sell opium or poppy heads to any person under 16 years of age

XIII — That he shall not permit any person of notoriously bad character to resort to his shop (or any of his shops), that he shall prevent gaming and disorderly conduct therein and that he shall be bound to give information to the nearest Magistrate

or Police officer of any suspected person who may resort to his shop (or shops)

XIV—That he shall keep such accounts of stock and sales as may be prescribed or from time to time required by the Collector

XV—That the weights or measures used in his shop (or shops) shall be such only as may be prescribed by the Collector and shall be tested and stamped at the expense of the farmer under the orders of the Collector

XVI—That he shall have constantly fixed in a conspicuous part of the front of his shop (or shops) a sign board bearing in legible characters in the English Urdu and Hindi languages his name and the words Farmer and Licensed Vendor of Opium and Poppy heads

XVII—That he shall produce for inspection on the demand of the Collector or other officer duly authorized in this behalf his lease and accounts and allow such Collector or Officer access to his shop (or shops) when required so to do at any hour of the day or night

XVIII—That he shall contribute such quota of the cost of preventive establishment as may be determined by the Collector

XIX—That the Collector shall have power with the leave of the authority by which this lease is granted to cancel the lease or within the term of the lease to make or impose such reservations or restrictions with respect to the grant of licenses as to him may seem fit provided that if the lease is cancelled for any cause specified therein the farmer shall not be entitled to compensation for any loss he may sustain thereby, but if the lease is cancelled for any cause not specified therein or if any reservation or restriction with respect to the grant of licenses is made or imposed within the term of the lease the farmer shall be entitled to receive for any loss which he may sustain thereby such compensation as the Chief Commissioner may determine

Rules

XX —That this lease may be surrendered by the farmer on his giving one month's previous notice in writing to the Collector and paying such sum as may be fixed by the Collector under No 10 of the Opium Rules of 1887.

XXI.—That nothing herein contained shall affect ruling Chiefs who may visit Ajmere-Merwara, and possessing opium, sell the same to their own retainers during the period of their stay in the Ajmere-Merwara District

XXII —That this lease shall be in force only for a term of________*viz*, from the________day of________189___ to the________day of________189___.

XXIII —That no consumption of opium or its preparations shall be allowed on the premises

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NOTE —(*a*) Opium when sold in any quantity not exceeding five tolas in weight and poppy heads when sold in any quantity not exceeding eight seers in weight shall be deemed to be sold by "retail," and when sold in any larger quantity shall be deemed to be sold "wholesale"

Dated *Collector of*

FORM OF LICENSE TO BE GRANTED BY A FARMER TO LICENSED VENDORS UNDER RULE 12 (2) OF THE OPIUM RULES OF 1887

Be it known that ________ son of ________ resident of ________ is hereby authorized to sell by *retail opium or poppy heads or both (excluding or including *chandu* as the case may be) in ________ upon the following conditions and infringement of which shall render his license liable to forfeiture and subject him to the penalty prescribed by law for such offence

I —That he shall pay monthly in advance on the 1st day of each month commencing on the ________ 189__ on account of his license the following sums —

II —That all risks of loss from failure of seasons or from any other cause whatsoever shall be borne by him and he shall make all payments as aforesaid from time to time as they fall due without any excuse or claim for compensation whatsoever

III —That he shall be bound by the Opium Act the rules framed thereunder by the Local Government and all other laws in force for the time being in this behalf

IV —That he shall keep a shop (or shops) only at the place (or places) noted in the margin, or at such other place (or places) as the Collector with the previous sanction of the Commissioner may from time to time permit or order

V —That he shall make his own arrangements for obtaining supplies of the opium and poppy heads which he is hereby authorized to sell provided always that he shall not purchase the same from any person in the Ajmere Merwara District other than the Collector of Ajmere a farmer a cultivator manufacturer, or a person authorized by general or special order in writing of the Collector to sell opium or poppy heads or

both *wholesale, and that he shall always maintain in his shop (or shops) such minimum stocks of opium and poppy heads as may be directed by the Collector

VI.—That he shall not sell to one and the same person (other than a licensed druggist) on any one day opium or poppy heads exceeding in the aggregate____________

VII.—That he shall not sell to any licensed druggist more than one seer of opium or 10 seers of poppy heads at one time

VIII.—That he shall not receive grain, ornaments, wearing apparel, or other goods in barter or pawn for opium or poppy heads

IX.—That he shall keep his shop (or shops) open during such hours as may from time to time be prescribed by the Collector

X.—That he shall not sell opium or poppy heads to any person under 16 years of age

XI.—That he shall not permit any person of notoriously bad character to resort to his shop (or any of his shops), that he shall prevent gaming and disorderly conduct therein, and that he shall give information to the nearest Magistrate or Police Officer of any suspected person who may resort to his shop (or shops)

XII.—That he shall keep such account of stock and sales as may be prescribed or from time to time required by the Collector

XIII.—That the weights and measures used in his shop (or shops) shall be such only as may be prescribed by the Collector, and shall be tested and stamped at his own expense under the orders of the Collector

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* NOTE.—(a) Opium when sold in any quantity not exceeding 5 tolas in weight and poppy heads when sold in any quantity not exceeding 8 seers in weight shall be deemed to be sold by "retail" and when sold in any larger quantity shall be deemed to be sold "wholesale"

XIV —That he shall have constantly fixed in a conspicuous part of the front of his shop (or shops a signboard bearing in legible characters in the *English Urdu and Hindi languages* his name and the words Licensed retail vendor of opium and poppy heads

XV —That he shall produce for inspection on the demand of the Collector or other Officer duly authorized in his behalf his license and accounts and allow such Collector or Officer access to his shop (or shops) when required so to do at any hour of the day or night

XVI —That this license may be surrendered by the licensee on his giving one month s previous notice in writing to the farmer and Collector and paying such sum as may be fixed by or with the sanction of the Collector under Rule 10 of the Opium Rules of 1887

XVII —That this license shall be in force only for a term of________ namely from the________day of________ 189___to the________day of ________189 and shall be subject generally to the conditions of the lease dated ________ granted to the farmer (enter name)

XVIII —That no consumption of opium or its preparations shall be allowed on the premises

Dated

Signed________________

Farmer

Dated

Countersigned________________

Collector

APPENDIX TO AJMERE-MERWARA OPIUM RULES

EXTRACT FROM THE PUNJAB OPIUM RULES

(b) Import from Ajmere

27 Malwa opium may be imported into the Punjab in accordance with the following rules by licensed vendors under Rule 53, farmers holders of licenses for wholesale vend under Rule 45, and Agents of Native States under the political control of the Punjab Government who have received permits under the orders of the Local Government

28. So many maunds of Malwa opium as the Government of India may determine may be yearly imported into the Punjab on payment of a duty, hereinafter called the reduced duty, of such amount per chest of 140¼lbs. or half chests of 70⅛lbs., as may from time to time be fixed by the Government of India and notified in the *Gazette of India*. Such opium, after deduction of the amount which the Local Government may reserve for import into the Native States under the political control of itself will be allotted annually by the Financial Commissioner to the various districts of the Punjab

29 (i) Each Deputy Commissioner may issue permits addressed to a Collector of the Ajmere-Merwara territories, as defined in Chapter I, Rule 1 (4), of the Ajmere-Merwara Opium Rules for the import of Malwa opium on payment of the reduced duty, to an amount not exceeding the allotment for the year for his district When the allotment for the year has been exhausted, no further permit for import of Malwa opium on payment of the reduced duty may be issued, but permits may be granted for import on payment of the full duty which may from time to time be imposed by the Government of India.

Extract from Rule 1 (4), Ajmere Merwara Opium Rules

" 'Collector' means the Chief Officer in charge of the revenue administration of a district and includes any person specially authorised by the Chief Commissioner either by name or in virtue of his office, to discharge all or any of the functions of a Collector under these Rules "

(ii) If after his allotment is exhausted any Deputy Commissioner considers it advisable to obtain permission to grant further permits for the importation of Malwa opium on payment of

the reduced duty, he may apply to the Financial Commissioner in the usual course, and a transfer from a district in which the allotment appears likely to be in excess of its requirements will if possible be arranged

30 The original allotment for each district and all transfers of allotments subsequently made will be reported at the time by the Financial Commissioner to the Commissioner of Ajmere

31 The Lieutenant Governor will arrange with each of the Native States under the political control of the Punjab Government—

(*a*) What quantity of the Malwa opium which the Government of India may permit to be imported at the reduced duty shall be allotted to it

(*b*) The Deputy Commissioner to whom it should send the Agents whom it may authorize to apply for permits

(*c*) The Deputy Commissioner to whom the opium so imported shall be consigned under Rule 34 and

(*d*) The route by which the consignment shall be transported to the Native State after being handed to the importer under Rule 37

32 All permits granted for the import of Malwa opium shall show on the face of them whether the opium imported is to be subject to payment of the reduced duty or of the full duty and at the foot of the permit a note will be entered stating the total amount of Malwa opium for the import of which on payment of the reduced duty permits have already been granted during the year by the Deputy Commissioner issuing the permit

The permits shall show in detail—

Name of importer

Name of consignee

Quantity (in full chests of 140¼ lbs each or in half chests of 70⅛ lbs each)

Destination

Route { by railway
 { by road

Period not exceeding three months during which the opium may be imported

A duplicate of the permit shall be sent by post by the Deputy Commissioner issuing it to the Collector to whom it is addressed

If the Deputy Commissioner issuing the permit is Deputy Commissioner of Karnal or Rohtak a copy of the permit will also be sent by him to the Deputy Commissioner of Delhi

33 An importer who has obtained a permit from the Deputy Commissioner under Rule 29 or Rule 31 (*b*) may take it to the Collector to whom it is addressed and may apply for a special order in writing under Rule 5 (2) of the Ajmere Merwara Opium Rules authorizing him to buy opium either in Ajmere or Rajputana

The opium so purchased shall be brought by the importer to the Ajmere scales where after paying the prescribed duty, he will obtain a pass for import of the opium to the Punjab in accordance with the aforesaid Ajmere Merwara Opium Rules

34 (i) When in accordance with the said Ajmere Merwara Rules, the opium for import to the Punjab has been duly weighed the Opium Agent or Officer duly authorised by him to sign the pass will on receiving the duty payable grant an import pass to the Punjab showing—

(*a*) The name of the importer,

(*b*) The amount of opium to be imported,

(*c*) The Deputy Commissioner to whom it is to be consigned,

(*d*) The route by Railway or Road,

(*e*) The period not exceeding three months during which the import pass shall remain in force, and

(*f*) The Revenue Officer under authority of whose permit the import pass is granted

(ii) Malwa opium may be imported into the Punjab only by the Rajputana Malwa and Ferozepore Rewari Railways.

(iii) The original import pass will be sent with the consignment to the Railway authorities who will after recovering all necessary charges from the importer, consign the opium to the Deputy Commissioner mentioned in the pass Opium intended for import to the districts of Karnal and Rohtak shall be consigned to the Deputy Commissioner of Delhi

35 The original import pass together with the consignment covered by it shall be delivered on the line of rail to the Deputy Commissioner to whom it is consigned or to the officer in charge of the excise revenue of his district

36 The Deputy Commissioner or the Officer in charge of the excise revenue of the district shall examine the consignment and the original import pass covering the same, and shall compare both of them with the duplicate of the pass forwarded to him by the Opium Agent or officer duly authorized by such Agent to sign the pass

37 (i) The Deputy Commissioner will then deliver the opium to the importer to whom he had granted the permit authorizing the import Before delivery the amount will be again compared with the amount entered in the import pass

(ii) In the case of opium intended for Karnal or Rohtak the Deputy Commissioner of Delhi, to whom it will be consigned under Rule 34 and not the Deputy Commissioner who originally granted the permit under Rule 29, will deliver the opium to the importer Before making over the opium to the importer the Deputy Commissioner of Delhi or his Assistant in charge of the excise revenue of the District will compare the weight of the opium received with the amount entered in the original import pass and in the duplicate pass as required by Rule 36

He will afterwards cause the packages to be carefully sealed with his own seal and in authorizing the importer to transport the opium imported to the Karnal or Rohtak District as the case may be will carry out as far as it is applicable the procedure in regard to the transport of opium from one district to another prescribed in Rules 19 to 24

The Deputy Commissioner of Delhi or his Assistant in charge of the excise revenue of the District shall send at once to the Deputy Commissioner of Karnal or Rohtak as the case may be, a copy of the original import pass delivered to him under Rule 35

38 After delivery of the opium to the importer the Deputy Commissioner shall return the opium pass covering the consignment duly cancelled to the Opium Agent at Ajmere

ORDERS BY THE CHIEF COMMISSIONER OF AJMERE-MERWARA

NOTIFICATION

[a] No $\frac{1219}{589}$ of 1887, *dated Abu, 4th October* 1887

In exercise of the powers vested in him by section 2 of the Opium Rules sanctioned by the Governor General in Council, and published at page 496 of Part II of the *Gazette of India,* dated the 27th August 1887, under Notification No O R 589, dated the 12th idem, the Chief Commissioner of Ajmere-Merwara is pleased to define the following as the local areas to which Part I, Chapter II, of the said rules shall apply, namely —

The Municipal limits of Ajmere
The Municipal limits of Beawar
The Municipal limits of Kekri
The Cantonment limits of Nasirabad

2 Notification No 581, dated the 21st July 1883 published at page 408 of Part II of the *Gazette of India* of the 28th idem, is hereby cancelled

[b] No 5187, *dated 28th September* 1887

In excercise of the power conferred by the first paragraph of the Schedule to the Rules made by the Chief Commissioner of Ajmere-Merwara under Sections 5 and 13 of the Opium Act, 1878, and published under Notification O R 589, dated the 12th August, 1887, in Part II of the *Gazette of India* of 27th August 1887, the Governor General in Council is pleased to notify that the following duty shall be payable on all opium exported from Ajmere namely—

(a) On opium booked by Railway from Ajmere to the city of Bombay for exportation, thence by sea—a duty of Rs 675 per chest containing net 140¼ lbs avoirdupois weight, including leaf and dust, and

(b) On opium brought to the scales at Ajmere, for exportation to the territories administered by the Governor of Bombay in Council, a duty of Rs. 725 per chest, if such opium is not covered by a pass for exportation by sea from the Port of Bombay

[a] *Vide* Gazette of India part II for 1887 p 550

[b] Published at page 490 of the Gazette of India, Part I, dated the 1st October 1887

Clause (a) of this Notification was superseded by No 3 49 dated 5th July 1890, which has now been superseded by No 4 80, dated 27th October 1897, printed at page 1039

FINANCE AND COMMERCE DEPARTMENT

NOTIFICATION —SEPARATE REVENUE

OPIUM

[a] *No* 4780 *dated the 27th October* 1897

In exercise of the powers conferred by Section 6 of Act I of 1878 (The Opium Act 1878) the Governor General in Council is pleased to reduce by Rs 100 per chest the duty on Opium imported by land into the Presidency of Bombay for exportation by sea from the Port of Bombay

Accordingly it is hereby notified that till further orders all Opium imported by land into the Presidency of Bombay, and covered by a pass for exportation by sea from the Port of Bombay, granted in accordance with rule 16 of the rules made under the Opium Act 1878, published by Government of Bombay in their Notification No, 4472 A dated 3rd June 1885 shall be subject to the following duty upon each chest weighing net 140¼ lbs avoirdupois weight namely —

When the pass for such Opium is granted at Ajmere	Rs. 525
When the pass for such Opium is granted elsewhere	„ 500

FINANCE AND COMMERCE DEPARTMENT

[b] *Notification No* 2307 *Ex*, *dated Simla, the 18th May* 1898

SEPARATE REVENUE.

OPIUM.

In exercise of the powers conferred by section 6 of the Opium Act 1878 (I of 1878) and in supersession of the notification in this Department No 1546, dated the 22nd March 1889, the Governor General in Council is pleased to direct that duty at the rate of Rs. 280 shall be levied with effect from the 1st April 1898, on each chest of Malwa opium of 140¼ lbs. avoirdupois net weight imported into the Punjab through Ajmere

[a]. *Vide* Gazette of India Part I, dated 30th October 1897, p. 974

[b]. *Vide* Gazette of India, Part I, dated 21st May 1898 p. 512

PATWARI REGULATION.

[a] No 15—*Dated the 10th July* 1895

Whereas by Resolution passed by the Secretary of State for India in Council on the 16th day of March 1871, the provisions of the 33rd of Vict, Chap 3, Sec I were declared applicable to Ajmere and Merwara

And whereas the Chief Commissioner of Ajmere and Merwara has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same,

And whereas the Governor General in Council has taken the draft and reasons into consideration and has approved of the draft and the same has received the Governor General's assent on the 8th day of July 1895

In pursuance of the direction contained in the said section the said Regulation is now published in the Gazette of India and Local Gazette for Ajmere and Merwara.

REGULATION No III of 1895

A Regulation to provide for the imposition of a Patwari rate in Ajmere and Merwara and for the appointment of Patwaris and Supervisor Kanungos

Whereas certain cesses for the maintenance of Patwaris are collected in the Chief Commissionership of Ajmere and Merwara partly under the orders of the Government of India and partly by voluntary contributions from Jagirdars

And whereas it is expedient to provide for the levy of a Patwari rate in lieu of those cesses and for the administration of the fund accruing from that rate

It is hereby enacted as follows

I (1) This Regulation may be called the Ajmere Patwari Regulation, 1895 Title and extent

[a] See Gazette of India dated the 1[illegible]th July 18[illegible] part I, p. 60[illegible]

(2) It extends to the estates described in the schedule; and

(3) It shall come into force on such day as the Chief Commissioner may by notification in the Gazette of India appoint.

2. A fund to be called the Patwari fund, to provide for the pay of patwaris and Supervisor Kanungos and to defray the cost of stationery required by them and such other expenses as may, in the opinion of the Chief Commissioner, be properly debitable to the fund, shall be formed, and to its credit shall be placed, among other sums, the proceeds of the rate leviable under the next following section.

3. (1) Every estate described in the schedule shall be subject to the payment of a rate to be called the Patwari rate of such amount as the Chief Commissioner may, with the previous sanction of the Governor General in Council, from time to time prescribe, not exceeding four annas for every five rupees of its annual value.

(2) "Annual value" in sub-section (1) means—

(a) In the case of a Khalsa estate double the land revenue for the time being assessed on the estate;

(b) In the case of an Istimrari estate or a minor Istimrari estate double the land revenue which would have been assessable on the estate if the land revenue thereof had not been in part released; and

(c) In the case of a Jagir estate, double the land revenue which would have been assessable on the estate if the land revenue thereof had not been wholly released.

(3) The cess levied on any estate as patwari cess at the commencement of this Regulation shall be deemed to have been a Patwari rate duly imposed under this section and the Patwari fund in existence at such commencement shall be deemed to have been created under this Regulation.

(4) The Chief Commissioner may, with the previous sanction of the Governor-General in Council and the consent of the Istimrardar, at any time direct the imposition of a Patwari rate on, or the revision of such rate for, any Istimrari estate in any local area and may, with such consent but without such sanction, prescribe the instalments and times by and at which any such rate shall be payable.

(5) A Patwari rate may be recovered as if it were an arrear of land revenue due in respect of the estate subject thereto

(6) When this Regulation has been extended by the Chief Commissioner to any Istimrari estate with the consent of the Istimrardar, such consent shall not be revocable by the Istimrardar or any of his successors without the previous permission of the Chief Commissioner

4 (1) The estates described in the schedule shall be divided into circles, and to each circle a Patwari shall be appointed — *Patwari circles and Supervisor Kanungos divisions.*

(2) The circles aforesaid shall be grouped into divisions, and to each division a Supervisor Kanungo shall be appointed

(3) The Chief Commissioner may alter the boundaries of such circles and divisions,

(4) All Patwaris and Supervisor Kanungos holding office at the commencement of this Regulation shall be deemed to have been appointed under this Regulation

5 The Chief Commissioner may, subject to the control of the Governor-General in Council, make rules to regulate— *Power to make rules.*

(a) The appointment and dismissal of Patwaris and Supervisor Kanungos

(b) The examination of candidates for the office of Patwari or Supervisor Kanungo and the qualifications which they must possess

(c) The duties of Patwaris and Supervisor Kanungos and the upkeep and submission of annual or other returns

(d) The pay of Patwaris and Supervisor Kanungos, and the amount which may be expended in their behalf on stationery and for such other purposes as may, in the opinion of the Chief Commissioner be properly debitable to the Patwari fund and

(e) Generally the measures for carrying out the purposes of this Regulation

6 Sections 69 and 70 and the second paragraph of section 69 of the Ajmere Land and Revenue Regulation 1877 are hereby repealed. *Repeal.*

SCHEDULE

ESTATES IN THE CHIEF COMMISSIONERSHIP OF AJMERE AND MERWARA TO WHICH THIS REGULATION EXTENDS

[*See Sections* 1 (2) 3 (1) *and* 4 (1)]

(1) Khalsa or revenue paying estates,

(2) Any Istimrari estate to which this Regulation may be extended by the Chief Commissioner with the consent of the Istimrardar

(3) The estates (Rajosi Karel Karekhri, Ajaisar, Nausar, and Kotri) paying a quit rent and known as the minor Istimrari estates and

(4) Jagir or Revenue-free estates

STATIONERY TO PATWARIS

RULES REGULATING THE SUPPLY OF STATIONERY TO THE PATWARIS OF THE AJMERE AND MERWARA DISTRICTS SANCTIONED BY THE CHIEF COMMISSIONER'S LETTER No $\frac{155}{56}$, DATED ABU, THE 19TH FEBRUARY 1898

The following rules are issued for the supply of stationery to the Patwaris in the Ajmere-Merwara Districts

2. The following printed forms, bound registers, and miscellaneous articles laid down against each Tehsil shall be indented for by the Revenue Extra Assistant Commissioner annually

(*a*) Printed forms :—

	Khasra forms.	Khatoonis for variable villages	Khatoonis for variable tanks	Khatoonis for variable beds	Khatoonis for crop rate tanks	Application forms for water from crop rate tanks	Parwanas conveying permission for irrigation
Ajmere .	19,000	6,000	3,500	*500	*400	*500	*1,000
Beawar ..	6,000	..	1,500	300	400	500	1,000
Todgarh ...	7,000	..	1,500	300	800	500	1,000

* Shall be printed at the expense of the Public Works Department.

Patwaris.]

(b) Bound registers —

	Roznamchas (diaries)	Khata Bahis	Registers patta Kabuliat	Registers of Shamlat Accounts	Mutation registers.
Ajmere	192	200	16	50	20
Beawar	242	250	8	40	16
Todgarh	88	90	8	30	14

(c) Miscellaneous articles —

	Brown paper	Ink		Thread	Needles	Bastas
		Black	Red			
	Reams	Bundles.	Bundles.	Seers		Thans
Ajmere	110	300	100	3	150	12
Beawar	110	200	75	2	100	10
Todgarh	90	150	50	1½	75	8

3 The forms shall be printed under the orders of the Collector and shall reach the Tehsils through the Revenue Extra Assistant Commissioner by the 1st April

4 The registers shall be bound under the orders of the Revenue Extra Assistant Commissioner with the previous sanction of the Collector and shall be despatched to the Tehsils before 1st September

5 The Tehsildar shall submit indent for the miscellaneous articles to the Revenue Extra Assistant Commissioner and shall purchase the things indented for on receipt of the Collector's sanction

6 The stationery shall be in the custody of the Tehsil Jamadar, and the Registrar Girdawar shall be responsible for its accounts. The Registrar Girdawar shall issue all articles prescribed for the Patwaris in time to their Girdawars who shall distribute the same without delay

7 The Registrar Girdawar shall keep a list prepared by the Tehsildar and approved of by the Collector showing all articles prescribed for the Patwaris and shall furnish a copy thereof to each Girdawar He shall obtain a receipt from the Girdawars for all articles issued for the Patwaris of his circle

8 For the above purposes the Registrar Girdawar and the Girdawars shall keep a register in the following form in which all articles received and issued by them shall be entered

9 The cost of these articles except that incurred in printing the forms required for variable beds and crop rate tanks shall be debited to the Patwar Fund

10 The Patwaris shall at transfer make over all the stationery they may have at the time to their successors and shall be liable for any deficiencies

11 Articles specially required by the Patwaris and not provided for in these rules may be supplied on the recommendation of the Revenue Extra Assistant Commissioner

REGISTER FORM.

Name of Tehsil	Receipt																		Name of Girdawar or Patwari	Issue.																		Remarks
	Khasra forms.	Khatoonies for variable villages	Khatoonies for variable tanks	Khatoonies for variable beds	Khatoonies for crop rate tanks	Application forms for water from crop rate tanks	Parwanas conveying permission for irrigations	Roznamchas (diaries)	Khata bahis	Registers patta kabuliat	Mutation registers	Registers of Shamlat Accounts	Brown paper	Black ink	Red ink	Thread	Needles	Bastas		Khasra forms	Khatoonies for variable villages	Khatoonies for variable tanks	Khatoonies for variable beds	Khatoonies for crop rate tanks	Application forms	Parwanas.	Roznamchas.	Khata bahis	Register patta kabuliat	Mutation registers	Registers of Shamlat Accounts	Brown paper	Black ink	Red ink	Thread	Needles	Bastas	

ACT NO V OF 1861 (REGULATION OF POLICE)

STATEMENT OF REPEALS AND AMENDMENTS

Repealed in part	Act IX of 1871
	Act XXI of 1874
	Act X of 1882
(locally)	Ben Act VII of 1869
Repealed in part and amended	Act VIII of 1895
Amended	Act III of 1888
Supplemented (locally)	Ben Act VII of 1869

The following changes have been made in reprinting the Act —

(1) Repealed matter has been omitted, explanatory notes being inserted (or, where this was not practicable, the repeal has been mentioned in a footnote)

(2) Amendments have been inserted in their proper places with explanatory footnotes

(3) Some further footnotes have been added for convenience of reference

(4) Lengthy sections have sometimes been divided into clauses and paragraphs

(5) The marginal notes have in some instances been revised

(6) Arabic numerals have [illegible] substituted for the Roman numerals used in the original [illegible]

(7) The headings to the pages [illegible]

(8) A [illegible] has been added

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FORM

Police]

Act

[a] ACT No V OF 1861.

(Received the Governor General's assent on the 22nd March 1861)

AN ACT FOR THE REGULATION OF POLICE

[As modified up to the 1st March 1895]

Whereas it is expedient to reorganize the police and to make it a more efficient instrument for the prevention and detection of crime, It is enacted as follows —

1 The following words and expressions in this Act shall have the meaning assigned to them unless there be something in the subject or context repugnant to such construction that is to say —

The words Magistrate of the district " shall mean the chief officer charged with the executive administration of a district and exercising the powers of a Magistrate by whatever designation the chief officer charged with such executive administration is styled

The word Magistrate shall include all persons within the general police district exercising all or any of the powers of a Magistrate

The word police shall include all persons who shall be enrolled under this Act

part I pp 88 and 323)

As to the pol ce force in Bengal see Bengal Act VII of 1869 (in Bengal Code Vol II Ed 1890 p 129) which is to be read and taken as part of Act V of 1861

As to the relaxation of the provis ons of Act V of 1861 wh ch restrict the employment of pol ce officers to the pres deney province or place of the pol ce establ shment of which they are members see Act III of 1888 in General Acts 1885 88 E 1 1889 p 191

The words "general police-district" shall embrace any presidency, province or place, or any part of any presidency, province or place, in which this Act shall be ordered to take effect

[a] The words "District Superintendent" and "District Superintendent of Police" shall include any Assistant District Superintendent or other person appointed by general or special order of the Local Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district [a]

The word "property" shall include any moveable property, money or valuable security

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Words importing the masculine gender shall include females·
The word "person" shall include a company or corporation
The word "month" shall mean a calendar month
The word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine

[b] 2 The entire police establishment under a Local Government shall, for the purposes of this Act, be deemed to be one police force, and shall be formally enrolled, and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay as shall from time to time be ordered by the Local Government, subject to the sanction of the Governor-General of India in Council — Constitution of the force.

3 The Superintendence of the police throughout a general police-district shall vest in and, subject to the general control of the Governor-General of India in Council, shall be exercised by the Local Government to which such district is subordinate, and, except as authorized under the provisions of this Act, no person, officer or Court shall be empowered by the Local Government to appoint, supersede or control any police-functionary. — Superintendence in the Local Government.

[a-a] This portion was inserted by Act VIII of 1895, s. 1.
[b] S. 2, so far as it relates to the provinces under the control of the Lieutenant-Governor of Bengal was repealed by Ben. Act VII of 1869 (printed, Bengal Code, Vol II, Ed. 1889), p. 129)

4 The administration of the police throughout a general police district shall be vested in an officer to be styled the Inspector General of Police, and in such Deputy Inspectors General and Assistant Inspectors General as to the Local Government shall seem fit

The administration of the police throughout the local jurisdiction of the Magistrate of the district shall under the general control and direction of such Magistrate be vested in a District Superintendent and such Assistant District Superintendents as the Local Government shall consider necessary

The Inspector General and other officers above mentioned shall from time to time be appointed by the Local Government and may be removed by the same authority

5 The Inspector General of Police shall have the full powers of a Magistrate throughout the general police district, but shall exercise those powers subject to such limitation as may from time to time be imposed by the Local Government

6 [*Magisterial powers of police officers*] *Repealed by Act X of 1882*

7 The appointment of all police officers other than those mentioned in section 4 of this Act shall under such rules as the Local Government shall from time to time sanction rest with the Inspector General Deputy Inspectors-General Assistant Inspectors General and District Superintendents of Police, who may, under such rules as aforesaid, at any time dismiss, suspend or reduce any police officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same,

[a] or may award any one or more of the following punishments to any police officer who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely —

(*a*) Fine to any amount not exceeding one month's pay,

(*b*) Confinement to quarters for a term not exceeding fifteen days with or without punishment drill, extra guard, fatigue or other duty,

(*c*) Deprivation of good conduct pay,

(*d*) Removal from any office of distinction or special emolument [a]

[a-a] This portion was substituted for the original words by Act VIII of 189[illegible] s 2

Certificates to Police Officers.

8 Every police officer so appointed shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a police-officer

Surrender of certificate.

[a] Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same

[a] A police officer shall not by reason of being suspended from office cease to be a police-officer During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties, and to the same authorities, as if he had not been suspended

Police-officer not to resign without leave or two months' notice

9 No police-officer shall be at liberty to withdraw himself from the duties of his office, unless expressly allowed to do so by the District Superintendent or by some other officer authorised to grant such permission, or without the leave of the District Superintendent, to resign his office, unless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign

Police-officers not to engage in other employment

10 No police-officer shall engage in any employment or office whatever other than his duties under this Act unless expressly permitted to do so in writing by the Inspector-General

11 [*Police superannuation fund*] *Repealed by Act XVI of 1874*

Power of Inspector General to make rules.

12 The Inspector-General of Police may from time to time, subject to the approval of the Local Government, frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police-force the places at which the members of the force shall reside, and the particular services to be performed by them, their inspection, the description of arms, accoutrements and other necessaries to be furnished to them, the collecting and communicating by them of intelligence and information and all such other orders and rules relative to the police force

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[a] These paragraphs were substituted for the original paragraph by Act VIII of 1895, s. 3

as the Inspector General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties

s **13** It shall be lawful for the Inspector-General of Police, or any Deputy Inspector-General, or Assistant Inspector-General, or for the District Superintendent subject to the general direction of the Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of police officers to keep the peace at any place within the general police-district, and for such time as shall be deemed proper Such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application

Provided that it shall be lawful for the person on whose application such deputation shall have been made on giving one month's notice in writing to the Inspector-General Deputy Inspector-General, or Assistant Inspector-General, or to the District Superintendent, to require that the police officers so deputed shall be withdrawn, and such person shall be relieved from the charge of such additional force from the expiration of such notice

it **14** Whenever any railway canal or other public work or any manu-
l factory or commercial concern, shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the employment of an additional police force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern it shall be lawful for the Inspector General, with the consent of the Local Government, to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from time to time upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly

[a] **15** (1) It shall be lawful for the Local Government, by proclama-
al tion to be notified in the official Gazette, and in such other manner as the
s Local Government shall direct, to declare that any area subject to its

[a] This section was substituted for the original s 15 by Act VIII of 1895, s 1

authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them it is expedient to increase the number of police.

(2) It shall thereupon be lawful for the Inspector General of Police, or other officer authorized by the Local Government in this behalf, with the sanction of the Local Government, to employ any police force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.

(3) Subject to the provisions of sub-section (5) of this section, the cost of such additional police force shall be borne by the inhabitants of such area described in the proclamation.

(4) The Magistrate of the district, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are, as aforesaid, liable to bear the same and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

(5) It shall be lawful for the Local Government, by order, to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.

(6) Every proclamation issued under sub-section (1) of this section shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the Local Government may in each case think fit to direct.

Explanation.—For the purposes of this section, "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

[*] 15A. (1) If, in any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt or loss of

Awarding compensation to sufferers from

[*] S. 15A was inserted by Act VIII of 1895, s. 2.

or damage to property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them it shall be lawful for any person, being an inhabitant of such area who claims to have suffered injury from such misconduct to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the Magistrate of the district or of the sub division of a district within which such area is situated

(2) It shall thereupon be lawful for the Magistrate of the district, with the sanction of the Local Government after such enquiry as he may deem necessary, and whether any additional police force has or has not been quartered in such area under the last preceding section, to—

(*a*) Declare the persons to whom injury has been caused by or has ensued from such misconduct,

(*b*) Fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them, and

(*c*) Assess the proportion in which the same shall be paid by the inhabitants of such area other than the applicant who shall not have been exempted from liability to pay under the next succeeding sub section

Provided that the Magistrate shall not make any declaration or assessment under this sub section unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury

(3) It shall be lawful for the Local Government by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation

(4) Every declaration or assessment made or order passed by the Magistrate of the district under sub section (2) shall be subject to revision by the Commissioner of the Division or the Local Gov aforesaid shall be final

(5) No civil suit shall be maintainable in a compensation has been awarded under this secti

(6) *Explanation*—In this section the word "inhabitants" shall have the same meaning as in the last preceding section.

[a] 16. (1) All moneys payable under sections 13, 14, 15 and 15A shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1882, [b] for the recovery of fines, or by suit in any competent Court.

Recovery of moneys payable under sections 13, 14, 15 and 15A and disposal of same when recovered.

(2) All moneys paid or recovered under sections 13, 14 and 15 shall be credited to a fund to be called "The General Police Fund" and shall be applied to the maintenance of the police force under such orders as the Local Government shall pass.

(3) All moneys paid or recovered under section 15A shall be paid by the Magistrate of the district to the persons to whom and in the proportions in which the same are payable under that section.

17. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly, or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any police-officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such police officer may require to act as special police officers for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.

Special police officers.

18. Every special police officer so appointed shall have the same powers, privileges and protection and shall be liable to perform the same duties and shall be amenable to the same penalties and be subordinate to the same authorities as the ordinary officers of police.

Powers of special police officers.

19. If any person being appointed a special police officer as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such, or to obey

Refusal to serve as special police officers.

[a] This section was substituted for the original s. 16 by Act VIII of 18[illegible], s. 6.

[b] For Act X of 1882 see the revised edition as modified up to 1st December [illegible], published by the Legislative Department.

such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty rupees for every such neglect, refusal or disobedience

[a] 20 Police officers enrolled under this Act shall not exercise any authority, except the authority provided for a police officer under this Act and any Act which shall hereafter be passed for regulating criminal procedure [b]

21 Nothing in this Act shall affect any hereditary or other village police officer, unless such officer shall be enrolled as a police officer under this Act When so enrolled such officer shall be bound by the provisions of the last preceding section No hereditary or other village police officer shall be enrolled without his consent and the consent of those who have the right of nomination

If any police officer appointed under Act XX of 1856 [c] (*to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations Suburbs and Bazars in the Presidency of Fort William in Bengal*) is employed out of the district for which he shall have been appointed under that Act he shall not be paid out of the rates levied under the said Act for that district

22 Every police officer shall, for all purposes in this Act contained be considered to be always on duty, and may at any time be employed as a police officer in any part of the general police district

23 It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists

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[a] For some cases in which the application of s 20 has been restricted see Reg II of 1883 (Assam), ss 2 3, Act XV of 1887 (Burma) s 11, and Act XI of 1889 (Burma) s 101

[b] See now Act X of 1882, a revised edition of which, as modified up to 15th December, 1888 has been published by the Legislative Department

[c] Printed in Punjab Code Ed 1888 p 15, N W P and Oudh Code, Ed 1892 p 78, Ajmere Code Ed 1893 p 27

and it shall be lawful for every police officer, for any of the purposes mentioned in this section, without a warrant to enter and inspect any drinking shop, gaming house or other place of resort of loose and disorderly characters

Police officers may lay information, etc.

24 It shall be lawful for any police officer to lay any information before a Magistrate and to apply for a summons warrant, search warrant or such other legal process as may by law issue against any person committing an offence [a]

Police-officers to take charge of unclaimed property and be subject to Magistrate's orders as to disposal

25 It shall be the duty of every police officer to take charge of all unclaimed property and to furnish an inventory thereof to the Magistrate of the district

The police officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the district

Magistrate may detain property and issue proclamation

26 The Magistrate of the district may detain the property and issue a proclamation, specifying the articles of which it consists and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation

[b] (2) The provisions of section 525 of the Code of Criminal Procedure, 1882, shall be applicable to property referred to in this section

Confiscation of property if no claimant appears

[c] **27** (*1*) If no person shall within the period allowed claim such property or the proceeds thereof if sold it may if not already sold under sub section (2) of the last preceding section be sold under the orders of the Magistrate of the district

(2) The sale proceeds of property sold under the preceding sub section and the proceeds of property sold under section 26 to which no claim has been established shall be at the disposal of Government

Persons refusing to deliver up certificate, etc., on ceasing to be police officers

28. Every person having ceased to be an enrolled police-officer under this Act who shall not forthwith deliver up his certificate, and the clothing accoutrements appointments and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on convic

[a] Words repealed by Act X of 1882 are omitted

[b] This sub section was added by Act VIII of 18[illegible] s. 7

[c] This section was substituted for the original s. 27 by Act VIII of 18[illegible] s. 8.

tion before a Magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for a period not exceeding six months, or to both

29 Every police officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission or without having given previous notice for the period of two months, [a] or who being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave [a] or who shall engage without authority in any employment other than his police duty or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment with or without hard labour, for a period not exceeding three months or to both

[b] 30 (*1*) The District Superintendent or Assistant District Superintendent of Police may as occasion requires direct the conduct of all assemblies and processions on the public roads or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which such processions may pass

(*2*) He may also on being satisfied that it is intended by any person or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district or of the sub divison of a district, if uncontrolled, be likely to cause a breach of the peace require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license

(*3*) On such application being made he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section Provided that no fee shall be charged on the application for, or grant of, any such license

[a a] These words were added by Act VIII of 1895, s 9

[b] This section was substituted for the original s 30 by Act VIII of 1895, s 10

(4). He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies. Music in the streets.

[a] **30A.** (1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse. Powers with regard to assemblies and processions violating conditions of license.

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly.

31. It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landing places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed. Police to keep order in public roads, etc.

32. Every person opposing or not obeying the orders issued under the last three [b] preceding sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music or for the conduct of assemblies and processions shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees. Penalty for disobeying orders issued under last three sections, etc.

33. Nothing in the last four [c] preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein. Saving of control of Magistrate of district.

34. Any person who, on any road or in any [d] open place or [d] street or thoroughfare within the limits of any town [e] to which this section shall be specially extended by the Local Government, commits any of the Punishment for certain offences on roads, etc.

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[a] S. 30A was inserted by Act VIII of 1895, s. 11.

[b] "Three" was substituted for "two" by Act VIII of 1895, s. 12.

[c] "Four" was substituted for "three" by Act VIII of 1895, s. 12.

[d d] These words were inserted by Act VIII of 1895, s. 13.

[e] "Town" here includes a cantonment—see Act VIII of 1895, s. 12 (2

following offences to the obstruction inconvenience annoyance risk danger or damage of the [a] residents or passengers [a] shall on conviction before a Magistrate be liable to a fine not exceeding fifty rupees or to imprisonment not exceeding eight days, and it shall be lawful for any police-officer to take into custody without a warrant any person who within his view commits any of such offences namely —

g *First* —Any person who slaughters any cattle or cleans any carcass any person who rides or drives any cattle recklessly or furiously or trains or breaks any *horse or other cattle*

Second —Any person who wantonly or cruelly beat abuses or tortures any animal

g *Third* —Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public

Fourth —Any person who exposes any goods for sale

Fifth —Any person who throws or lays down any dirt filth rubbish or any stones or building materials or who constructs any cowshed stable or the like or who causes any offensive matter to run from any house factory, dung heap or the like

d *Sixth* —Any person who is found drunk or riotous or who is incapable of taking care of himself

Seventh.—Any person who wilfully and indecently exposes his person or f any offensive deformity or disease or commits nuisance by easing himself or by bathing or washing in any tank or reservoir not being a place set apart for that purpose

n *Eighth* —Any person who neglects to fence in or duly to protect any ces well tank or other dangerous place or structure.

on **35** [b] Any charge against a police officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate

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[a a] These words were substituted for the original words by Act VIII of 1895 s 13.

[b] Words repealed by Act X of 18? are omitted

36 Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act — *Power to prosecute under other law not affected*

Provided that no person shall be punished twice for the same offence — *Proviso*

[a] **37.** The provisions of sections 64 to 70 both inclusive of the Indian Penal Code [b] and of sections 386 to 389 both inclusive of the Code of Criminal Procedure 1882 [c] with respect to fines shall apply to penalties and fines imposed under this Act on conviction before a Magistrate — *Recovery of penalties and fines imposed by Magistrates*

Provided that notwithstanding anything contained in section 65 of the first mentioned Code any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine for any period not exceeding eight days

38 [*Procedure until return is made to warrant of distress*] *Repealed by Act VIII of* 1895 s 14

39 [*Imprisonment if distress not sufficient*] *Repealed by Act VIII of* 1895 s 14

40 [*Levy of fines from European British subjects*] *Repealed by Act VIII of* 1895 s 14

41 All sums paid for the service of process by police officers and all rewards forfeitures and penalties or shares of rewards forfeitures and penalties which by law are payable to informers shall, when the information is laid by a police officer be paid into the General Police Fund [1] — *Rewards to [illegible] and informers payable to General Police Fund*

42 *All actions and prosecutions against any person which may be lawfully brought for anything done or intended to be done under the provisions of this Act or under the general police powers hereby given, shall* — *[illegible]*

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[a] This section was substituted for the original ss. 37, 38, 39 and 40 by Act VIII of 1895 s 14

[b] For Act XLV of 1860 see the revised edition as modified up to 1st August [illegible] published by the Legislative Department

[c] For Act X of 188[illegible] see the revised edition as modified up to 15th December [illegible], published by the Legislative Department

[1] See as to this [illegible]

be commenced within three months after the act complained of shall have been committed and not otherwise, [a] and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the district in which the act was committed, one month at least before the commencement of the action

of No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial is held shall certify his approbation of the action

Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act

it act e var **43** When any action or prosecution shall be brought or any proceedings held against any police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate

Such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate No proof of the signature of such Magistrate shall be necessary unless the Court shall see reason to doubt its being genuine

Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section

to iary **44** It shall be the duty of every officer in charge of a police station to keep a general diary in such form as shall from time to time, be prescribed by the Local Government and to record therein all complaints and charges preferred the names of all persons arrested the names of the complainants

[a] So much of s 42 as relates to the limitation of suits was repealed by Act IX of 1871

the offences charged against them the weapons or property that shall have been taken from their possession or otherwise and the names of the witnesses who shall have been examined

The Magistrate of the district shall be at liberty to call for and inspect such diary

45 The Local Government may direct the submission of such returns by the Inspector General and other police officers as to such Local Government shall seem proper and may prescribe the form in which such returns shall be made

Local Government may prescribe form of returns

[a] **46** (*1*) This Act shall not by its own operation take effect in any presidency province or place [b] But the Governor General in Council by an order to be published in the Gazette of India may extend the whole or any part of this Act to any presidency province or place and the whole or such portion of this Act as shall be specified in such order shall thereupon take effect in such presidency province or place

Scope of Act

(*2*) When the whole or any part of this Act shall have been so extended the Local Government may from time to time by notification in the official Gazette make rules consistent with this Act —

(*a*) To regulate the procedure to be followed by Magistrates and police officers in the discharge of any duty imposed upon them by or under this Act

(*b*) To prescribe the time manner and conditions within and under which claims for compensation under section 15A are to be made the particulars to be stated in such claims the manner in which the same are to be verified and the proceedings (including local enquiries if necessary) which are to be taken consequent thereon and

Generally for giving effect to the provisions of this Act

[a] This section was substituted for the original s. 46 by Act VIII of 1[illegible] s. 1[illegible] As to orders issued under the former s. 46 see s. 16 of that Act

[b] In the Madras and Bombay Presidencies there are special Police Acts [illegible] see Act XXIV of 18[illegible] and Bombay Acts VII of 186[illegible] and IV of [illegible]

(3) All rules made under this Act may from time to time, be amended, added to or cancelled by the Local Government

f 47 It shall be lawful for the Local Government in carrying this Act into effect in any part of the territories subject to such Local Government to ce declare that any authority which now is or may be exercised by the Magistrate of the district over any village watchman or other village police-officer for the purposes of police shall be exercised subject to the general control of the Magistrate of the district, by the District Superintendent of Police

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FORM

(See Section 8)

A B has been appointed a member of the police force under Act V of 1861 and is vested with the powers functions and privileges of a police officer

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Mount Abu 6th April 1874

The following amended Rules prescribing the uniforms to be worn by the officers and men belonging to the Ajmere and Merwara Police are sanctioned and published —

1 *European Officers Dress*—Cavalry tunic of dark blue cloth embroidered with black silk braid according to pattern no facings red piping round collar and cuffs of coat The tunic will be worn closed in front and no waistcoats are permitted

2 District Superintendents to be distinguished by a gold star, and Assistant Superintendents by a silver star

3 Dress trousers of blue cloth with double stripes of black silk braid, no red piping

4 Dress cap of dark blue cloth with 2 inch black silk braid band (oak leaf pattern) and embroidered with black silk at the top without peak white patent cork helmet with red and white silk puggree

5 Pouch box of black enamelled leather, fitted to hold cartridges for Colt's revolver—a Crown and V R in a wreath embroidered in silver letters on the cover

6 Pouch belt of black enamelled leather with silver mountings

7 Sword belt of black enamelled leather, slings with silver mountings, and waist plate with a Crown and V R in silver laurel wreath in the centre, sword knot of black and silver

8 Spurs of steel swan-necked pattern

9 When mounted in full dress superior Officers to wear cavalry buck skin breeches white or drab and regulation jack boots and spurs In the hot weather superior Officers of Police will wear white clothes with silver shoulder cords and buttons

10 *Inspectors*— Plain tunic of dark blue cloth for cold weather and Khaki American drill for hot weather edged only with single black silk braid one inch in width No facings narrow gold piping round collar and cuffs Cuffs and collars also broidered with plain cord braid in one loop and black silk braid between The word Inspector to be worked in gold on cloth attached to collar and removable at pleasure

11 Trousers of dark blue cloth for cold weather and dyed American drill for hot weather one inch braid no piping

12 European boots and not shoes to be worn under the trousers

13 Cavalry sword and belt with bronze mountings and waist plate with V R under a Crown in silver sword knot of black leather

Head Dress—An Ellwood's *Helmet* with red and gold puggree in plaits of Artillery fashion for Europeans and a red gold puggree for natives (Mundeels and Oomeelah)

The above uniform will invariably be worn and no other ordinary dress is allowed

Sub-Inspectors—Tunic of dark blue cloth for cold weather, Khakee American drill for hot weather, with the word "Sub Inspector" worked in silver on cloth attached to collar and removable at pleasure [illegible] silver

piping round collar and cuffs, cuffs and collars also broidered with black silk braid

Trousers of the color and stuff of the tunic without braid Waist-belts of black leather with sling frog for tulwar as worn in Irregular Cavalry cords

On waist belt a plate (brass) with V R under a Crown in bronze European boots and not shoes to be worn under the trousers Turbans of red and silver

Horse equipment of Officers of the Ajmere Police—

Saddle cloth for Sub Inspectors will be blue drill three feet in length and two feet six inches in width with rounded corners in front and rear, bound all round with half inch red braid This will be worn over the charjama

All officers of Police of and above the rank of Sub-Inspectors, will, for the future when mounted on duty and in uniform, appear in the above appointments according to their rank

Chief Constables—

*[Chevron and a Crown to be worn on the right arm, brass plate on waist belt with V R and a Crown]

Head Constables—A plain loose koorta or blouse of dark blue serge for cold weather, Khaki American drill for hot weather, red piping round collar and cuffs from one to four chevrons, of red and silver on the right arm according to rank

Trousers of Khaki American drill, waist belt of [brown] * leather with a frog for tulwar, and brass waist plate with Ajmere District Police Head Constables,' engraved on it in capital letters in English character

Shoes of black leather Safa khaki and with red blue fringe 6 yards

Constables, Foot—The same koorta or blouse as prescribed for Head Constables but without any stripes on the arms Trousers the same as

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* Words in bracket [ ] were inserted under Chief Commissioner's letter No 919, dated 27th August 1885

Head Constables Waist-belt of brown leather with clasp and chuppras of brass in one, with "Ajmere District Police" in capital letters in English character only, and the number of the constable engraved in both English and Persian on it

On the belt must fit, so as to be removable at pleasure a baton scabbard of brown leather, and for armed police, a pouch box large enough to contain 20 cartridges and a frog for bayonet scabbard removeable at pleasure Shoes of black leather Safa khaki and red with blue fringe six yards

Constables, Mounted—Same koortas or blouse as Foot Constables Pyjamas of Khaki American drill coming to the ankle only Sword belt of brown leather with brass mountings of the patterns as worn in the Irregular Cavalry Pothi with ankle boots and spurs Safa khaki and red with blue fringe six yards Jack boots may be worn by mounted officers at pleasure

Coat to have pockets of the same pattern as that sanctioned for the armed police

Pattern

(*a*)—Safa khaki and red with blue fringe 7½ yards long for armed police

For Armed Police only

(*b*)—Coat khaki with red piping round the cuffs and collar and down the front shoulder straps with red piping brass shoulder badges bearing the letters A M P (Ajmere Merwara Police)—two pockets with loops inside to hold five cartridges each The flaps of pockets to be piped with red braid three buttons down the front two on pockets to secure flaps and two for shoulder badges these of the service pattern (V R and I)

(*c*)—Loose knickerbockers with black puttis in place of trousers

NOTE—The Sawars will have buttons and badges only

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CIRCULAR MEMO

No 144P, dated 23rd June 1887

As the instructions contained in the subjoined Resolution of the Government of India apply to Ajmere-Merwara, being part of British India, and as copies of the Resolution have not been forwarded to this office and are not obtainable, it is hereby reprinted and circulated for the information and guidance of officers in these districts

[1] No $\frac{27}{1804}$ 14

Extract from the Proceedings of the Government of India in the Home Department (Judicial) under date Calcutta, the 14th December 1886

READ again—

Home Department Resolution No 4—254-64, dated the 25th February 1885 on the subject of the recognition of re convicted prisoners and the definition of the term ' habitual criminal "

Read also the replies to the above mentioned Resolution namely,—

Letter from the Government of Madras No 2164 dated 19th August 1885

Letter from the Government of Bombay, No 5808 dated 17th August 1885

Letter from the Government of Bengal, No 1669P dated 16th August 1886

Letter from the Government of North-Western Provinces and Oudh, No 1072—VI-144 6, dated 19th June 1885

Letter from the Government of the Punjab No 1463S dated 24th September 1885

Letter from the Chief Commissioner of the Central Provinces, No 3358—41, dated 8th September 1885

Letter from the Chief Commissioner of British Burma, No 273—36 J, dated 10th July 1885

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[1] Published at p 51 of the Punjab Police Gazette dated 9th March 1887

Letter from the Chief Commissioner of Assam No 813 dated 22nd May 1885

Letter from the Chief Commissioner of Coorg No 139—I 20, dated 23rd April 1885

Letter from the Resident at Hyderabad No 180 G dated 18th May 1885

RESOLUTION

In the Resolution dated the 25th February 1885 cited in the preamble, the following questions were discussed namely —

(1) The measures which should be taken to provide for the recognition of re convicted prisoners in view to their being adequately dealt with not only by the Courts but also by the jail authorities after admission into jail,

(2) The definition of the term 'habitual criminal' for purposes of *Jail discipline* and

(3) Whether the duty of determining the classification and treatment in jail of a convict as an habitual should be placed entirely upon the Magistracy or partly upon the Magistracy and partly upon the police and jail authorities and whether it would not be possible to lay down more definite rules of procedure in this matter than at present exist

2 In regard to the first of these points the Government of India suggested—

(a) That a descriptive roll of every prisoner arrested by the police should as suggested by the Jail Conference of 1877 be prepared at the station house and be sent up with the prisoner to the Magistrate and that such descriptive roll in the event of the final conviction of the prisoner by the Magistrate should be copied in a register to be kept up in the jail for this purpose

(b) That the police in sending up an accused person to the Magistrate should embody in the charge sheet as complete a record as possible of all his [illegible]

(a) That the jail authorities should not content themselves with the information obtained from the Magistrate or from the police as to the former convictions recorded against a convict but should endeavour to ascertain from the subordinate jail officers warders and long term convicts as well as from the jail records if the prisoner has been previously convicted and

(b) That the police should be given frequent opportunities of inspecting convicts after admission into jail both by a weekly parade as suggested by the Jail conference and by such other means as might be found desirable

The Government of India requested that where the rules in force did not already accord with the above suggestions they should be made to do so and that the question whether other measures should not be adopted as auxiliaries thereto should be carefully considered by Local Governments and Administrations

3 From the reports now received it appears that the suggestions made in the Resolution of the 25th February 1885 have generally met with approval and that the rules already in force in several provinces though they have not always been thoroughly carried into practice correspond more or less closely with those suggestions The Governor General in Council is however of opinion that the rules might be made even more uniform than they are now and he desires that the following additional measures for identifying re convicted prisoners be generally adopted with this object namely—

(1) That a list of re convicted prisoners who are to be released every month be despatched from the jail to the Magistrate and the District Superintendent of Police This may be done by sending to these officers on the 20th of each month an extract from the jail register showing all re convicted prisoners with their places of residence who are to be released in the succeeding month The rule contained in clause 471 of the Jail Manual for Bengal that this list should be sent fortnightly may be retained in that Province

(2) That the jail authorities should examine under-trial prisoners detained in the jail or the Magistrate's lock up in order to ascertain whether they have been previously convicted Whenever a previous conviction is discovered in this way, an intimation to this effect should be sent to the police before the trial of the prisoner In Magistrates' lock ups, which are separate from the jail, it may not be always possible to carry out this rule but these cases should be few In sub divisional lock ups the plan will not be practicable,

(3) That when a re convicted prisoner is transferred from one jail to another an extract from the relevant entries in the register of the jail from which the transfer is made should be sent to the jail to which the prisoner is transferred and

(4) That when subsequent to conviction the jail authorities discovered that a prisoner has been previously convicted, the fact should be communicated to the Magistrate and the District Superintendent of Police

4 It is understood that at all police stations lists of released prisoners are maintained and that when a released convict whose name is entered on such list passes out of sight his descriptive roll is published in the local *Police Gazette* It has been suggested that slips stating the descriptive roll should be circulated to every police office and jail when such a released convict disappears It does not seem necessary to do more than supply the jails regularly with copies of the *Police Gazette* if this is not done already, and it will be for District Superintendents who receive the *Police Gazette* to circulate slips to police officers if this is considered necessary

5 The next subject discussed in the Resolution of the 25th February 1885 was the possibility of framing some authoritative definition of the term "habitual criminal After carefully considering the suggestions made by Local Governments and Administrations, the Governor General in Council is of opinion that the following definition may be accepted —

"For the purposes of jail discipline the words habitual criminal shall mean a prisoner so classed—

(1) By the Court of Magistrate that heard the case—

(*a*) Because he has been convicted of an offence punishable under Chapter XII or XVII of the Indian Penal Code with three years' imprisonment or upwards, and has been previously punished on conviction for an offence under either of these chapters and similarly punishable, or

(*b*) Because, from the circumstances of the case the Sessions Judge or Magistrate believes the prisoner to depend on crime as a means of livelihood, or to have attained such an eminence in crime as to warrant his being classed with habitual or class B criminals

(2) By the District Magistrate or any Magistrate empowered by him on this behalf the classification being made in accordance with the principles suggested for the guidance of the courts in clauses 1 (*a*) and (*b*) of this definition

(3) Subject to the control of the Magistrate by the officer in charge of the jail when the prisoner is—

(*a*) Sentenced or believed to be liable to punishment under Section 75 of the Indian Penal Code,

(*b*) Under sentence enhanced by reason of more than one previous conviction, or

(*c*) Known to have been repeatedly imprisoned for similar offences, or

(*d*) A member of a criminal tribe

Provided that—

(1) Any such Court or Magistrate as is mentioned above may direct that a prisoner shall not be classed as an habitual criminal, and

(2) When there is room for doubt whether a prisoner should be so classed or not, the officer in charge of the jail shall refer the case for the orders of any such Court or Magistrate

Explanation —The classification when made by the convicting courts shall be final If the courts omit to classify a prisoner as an habitual, the District Magistrate, or any Magistrate empowered by him, may do so In case of omission on the part of the Court and of the Magistrate, the officer in charge of the jail may make the classification, subject to the general control and supervision of the District Magistrate "

6 The third and last question dealt with in the Resolution of the 25th February 1885, namely, what authority should be made responsible for classifying prisoners as "habitual criminals," is disposed of by the 'explanation in the preceding paragraph

ORDER —Ordered that this Resolution be communicated to the several Local Governments and Administrations for information and guidance

CIRCULAR MEMO

No 142 J, *dated 25th March* 1886

To All Criminal Courts in the Ajmere Merwara District District Superintendent of Police and Superintendent of Jail Ajmere

According to the existing practice in this District the Descriptive Roll of each person sent up by the Police is embodied in the charge sheet but as it is always incomplete and its entries are admittedly made in a perfunctory manner it can hardly be relied upon as a safe guide for the future recognition of the prisoner by the Police who have therefore to depend on the description given of him in the Jail Register

With a view to ensuring the proper recognition of re convicted prisoners the following instructions are issued —

1 In future the Police should take special care with the preparation of the Descriptive Rolls of prisoners To ensure a complete description being given the particulars specified below should be given on the back of the charge sheet and it shall be the duty of the Police Officer concerned to see that they are correctly entered

1	2	3	4	5	6	7	8	9
Name of Accused	Parentage	Caste	Residence	Age	Height	Complexion.	Distinctive marks	Remarks

2 In the event of any prisoner being convicted the particulars given in columns 4 5 6 7 and 8 above should be noted at the foot of the warrant of commitment to prison and signed by the Magistrate After this they can be copied into the Jail Register

NOTIFICATION

[1] No 288-83, *dated Abu the 4th April* 1888

In exercise of the powers conferred by the Punjab Laws Amendment Act 1875, as extended to the Chief Commissionership of Ajmere and Merwara under the Scheduled Districts Act 1874 the Chief Commissioner has, with the previous sanction of the Governor-General in Council, made the following rules —

PART I

Containing general rules relating to Government and Jagir Villages

1 In these rules, unless there is something repugnant in the subject or context —

(*a*) Village ' means any khalsa or jagir village or town not being a municipality or a place for which chaukidars have been appointed under Act XX of 1856, it applies to the six villages mentioned in the margin and it includes any circle of villages to which a watchman may be appointed under these rules, and any group of houses and the lands appertaining thereto which may, for the purposes of these rules, be formed into a village by special order of the District Magistrate, Karel Kharekri Pajosi, Nausar Ajesar, Kotri

(*b*) " Headman means a lambardar of a khalsa village or a headman of any of the six villages specified above it includes a jagirdar it also includes a deputy not being a village watchman or jamadar who may be appointed by a jagirdar with the approval of the District Magistrate to exercise the powers and perform the duties of headman in all or any of the villages in the *jagirdar's estate and*

(*c*) Village watchman or " watchman " includes a jamadar

2 The number of village watchmen for each village shall be fixed by the District Magistrate, at his discretion and generally according to the following scale, namely —

(*a*) for 100 to 150 houses—one watchman,

(*b*) when there are more than 150 houses—one watchman to every 150 houses.

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[1] Gazette of India, part II for 1888, p 14

3 Ordinarily no village with less than 100 houses will have a watchman, but the District Magistrate may, having regard to the position of any such village and the character of its population, at his discretion appoint a watchman in it, or he may constitute a circle of villages, and to the circle so, constituted appoint a watchman

4 Where the number of village-watchmen in any village is five or more, one of them may be appointed head village-watchman and designated jamadar

5 (*a*) The nomination of every village-watchman shall be made by the headman, subject to the sanction of the District Magistrate, who may, for reasons to be recorded, reject the nomination

(*b*) There shall be no appeal from the District Magistrate s order

(*c*) If the District Magistrate rejects a first nomination by the headman, the headman shall be allowed to make a second, but, in the event of that also being rejected by the District Magistrate, he shall be allowed to make no further nomination

6 The nomination by the headman shall be made within fifteen days after the occurrence of a vacancy in an existing post of village watchman, and in the case of a new appointment or second nomination, within fifteen days from the receipt by the headman of a written order from the District Magistrate requiring the nomination to be made

7 If the headman makes default in the nomination, or if after the rejection of his first nomination a second nomination made by him has also been rejected, the District Magiatrate shall himself appoint the village-watchman

8 Every officer in charge of a police station shall keep a register, in such form as the District Magistrate may prescribe, of the persons for the time being holding the office of village-watchman in the several villages *within the local limits of his station*

9 (*a*) A headman may grant urgent leave to a village watchman for a period not exceeding ten days

(*b*) Applications for all other leave for village-watchmen shall be submitted through the District Superintendent of Police for the orders of the District Magistrate

(c) When a headman grants leave to a watchman under this rule he shall give information thereof to the officer in charge of the Police station as soon as possible

10 A village watchman shall not withdraw from the duties of his office without the permission of the District Magistrate or without having given at least one month's notice of his intention to withdraw from such duties

11 (a) Every village watchman other than jamadar shall be armed with a spear and shall wear as uniform a khaki coloured coat and a belt [a]

(b) Every jamadar shall be armed with a sword and shall wear as uniform a red and blue turban a belt and a khaki coloured coat having red stripes on the left sleeve [a]

12 Every village watchman shall keep watch and ward in his village

13 (a) Every village watchman shall be deemed the servant of the village for the purposes of duties imposed upon him by these rules and as such shall be bound subject to the orders of the District Magistrate to act in all matters connected with these rules in general subordination to the headman

(b) A village watchman may by special order of the District Magistrate or the District Superintendent of Police be employed temporarily beyond the limits of his village and while so employed may discharge the same functions as when employed within the limits of his village

14 Every village watchman is bound to assist the police to the best of his ability in all matters connected with the prevention and detection of crime and the *apprehension of offenders*

15 (a) Subject to the other provisions of these rules every village watchman shall report in person on the state of his village once a week to the officer in charge of the police station within the limits of which the village is situate

(b) Where there are several village watchmen in a village the report shall be made by one watchman at a time the duty being taken in rotation

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(a) As amended by Chief Commissioner's Notification No 113 [illegible] 15 September 18[illegible] Gazette of India for 189[illegible] part II p 1[illegible]9

(c) The District Magistrate may order more or less frequent reports, at such intervals and for so long as he considers proper, from any village in his district

16 Every headman and village-watchman is bound to comply with the provisions of section 45 of Code of the Criminal Procedure, 1882, and in particular every village watchman shall—

(*a*) Give immediate information to the officer in charge of the police station appointed for his village—

(1) Of every unnatural suspicious, or sudden death occurring in the village of which he is watchman,

(2) Of any of the following offences occurring in such village (that is to say)—murder, culpable homicide, rape dacoity, theft, robbery mischief by fire house-breaking counterfeiting coin, causing grievous hurt riot harbouring a proclaimed offender exposure of a child concealment of birth, administering stupefying drugs kidnapping and lurking house trespass, and

(3) Of all attempts and preparation to commit and abetments of any of the said offences,

(*b*) Keep the police informed of all disputes which are likely to lead to any riot or serious affray

(*c*) Arrest all proclaimed offenders and all persons whom he may find in the act of committing any offence specified in clause (*a*) sub clause (2) of this rule and all persons against whom a formal complaint has been made of their having been concerned in any such offence whether such offence is being or has been committed within his village or beyond it

(*d*) To the best of his ability prevent the commission of any offence specified in clause (*a*), sub clause (2) of this rule

(*e*) Observe and from time to time report to the officer in charge of the police station appointed for his village the movement of all bad characters in such village

(*f*) Report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood and

(*g*) Supply to the best of his ability any local information which a Magistrate or any officer of police may require, and promptly execute all orders issued to him by competent authority

17 All occurrences reported at a police station by village watchmen shall be recorded in the station diaries, but it shall not be considered necessary to enter in such diaries the reports of watchmen who have no communication to make further than that the peace of their villages has been undisturbed since the last report

18 A headman or village watchman may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property moveable or immoveable or to prevent the removal or injury of any public landmark

19 For the purpose of arresting any such person as is referred to in clause (*c*) of rule 16 a village watchman may pursue the person into the limits of the local jurisdiction of another village watchman whether subordinate to the same Magistrate as himself or to the Magistrate of another District

20 If a person forcibly resists an endeavour to arrest him a village watchman or any person whom he may call to his aid may use all means necessary to effect the arrest

21 A person arrested by a village watchman shall not be subjected to more restraint than is necessary to prevent his escape and the watchman shall take him as soon as possible to the police station appointed for the village

22 In a village to which no watchman has been appointed under these rules or from which a watchman is absent under rule 9 the functions of village watchman shall be discharged by the headman of the village who shall receive such remuneration for his services and collect the same in such manner as the District Magistrate may, with the approval of the Commissioner determine after consideration of any representation which the headman may desire to record

23 A headman discharging the functions of a village watchman under the last foregoing rule shall have the powers and be subject to the liabilities of a village watchman under these rules.

36 (*a*) Any person failing to perform any duty appertaining to him as a watchman under any of the foregoing rules shall, on conviction before a Magistrate, be punishable with fine not exceeding three months' pay or with imprisonment, either simple or rigorous, for a term not exceeding six months, or with both

(*b*) A prosecution for an offence under this rule shall not be instituted without the previous sanction of the District Magistrate

(*c*) A person convicted under this rule shall also be liable to suspension from office for a period not exceeding six months, or to dismissal, by order of the District Magistrate

37 Officers in charge of police-stations and headmen are prohibited, under penalty of dismissal from office, from employing village-watchmen on their private concerns, or on any duties unconnected with the police

38 The District Magistrate may, instead of instituting criminal proceedings suspend a headman or village watchman from office during enquiry into alleged misconduct or neglect in the performance of his duties, and may punish him for such misconduct or neglect by dismissal or by suspension from office for a period not exceeding six months

39 A headman or village-watchman shall not be punished under these rules except either after a criminal prosecution or by order of the District Magistrate

40 Nothing in these rules shall be construed to prevent any person from being prosecuted under any other law for the time being in force for any offence against these rules, or from being liable under such law to any other or higher penalty or punishment than is provided by these rules for the offence

Provided that no person shall be punished twice for the same offence

PART II

Containing special rules relating to the estates of Istimrardars

41 The foregoing rules shall be enforced so far as they may be applicable and consistent with the following rules in the estates of Istimrardars —

42 (a) An Istimrardar may with the approval of the District Magistrate appoint a deputy not being a village watchman or jamadar to discharge the functions of headman in all or any of the villages in the Istimrardar's estate

(b) Unless and until the appointment of a deputy is made and approved the Istimrardar shall be directly and personally responsible for the efficient discharge of the functions of headman in all or any of the villages in his estate

43 The District Magistrate shall with the previous sanction of the Commissioner determine the number of village watchmen to be appointed in each Istimrardar's estate and the number shall not be reduced except under the authority of the Commissioner

44 An Istimrardar or his deputy shall not employ village watchmen on his private concerns or on any duties unconnected with the police

45 The nomination of village watchmen and the power of granting leave to them and of filling casual vacancies among them shall rest entirely with the Istimrardar but the District Magistrate may with the sanction of the Commissioner require an Istimrardar to dismiss any watchman

46 The monthly pay of the village watchman shall not be less than four rupees and the monthly pay of a jamadar shall not be less than seven rupees The exact rate of pay shall in each case be fixed by the Istimrardar

47 (a) The District Magistrate shall determine the total amount leviable as chaukidari cess in each Istimrardar's estate and the Istimrardar shall regulate and arrange the details of the assessment and collection of the cess within the limits of that amount

(b) A person dissatisfied with the assessment made upon him by the Istimrardar may appeal within thirty days from the [illegible]

formed of the assessment, to the District Magistrate, whose order shall be final

(c) If the District Magistrate alters the assessment the Istimrardar shall be bound to revise it according to the order

48 (a) When the assessment has been finally settled, the Magistrate shall sign the list and shall cause one copy of it in Urdu or Hindi to be stuck up in some conspicuous place in the village for which the assessment has been made

(b) With the list there shall also be stuck up a notification in Urdu or Hindi calling on each person whose name is included in the list to pay the tax, and warning him that, in the event of his failing to do so on or before a specified date, the amount will be recoverable as an arrear of land revenue

49 All watchmen in the estates of Istimrardars shall be paid in cash provided that in special cases where payment in kind has been customary the Commissioner may sanction its continuance

50 When an Istimrardar or his deputy satisfies the Collector that any sum due as chaukidari cess has fallen due and has not been paid to him, the Collector may, in his discretion recover it as if it were an arrear of land-revenue

51 Every Istimrardar shall submit to the District Magistrate quarterly an acquittance roll showing that the salaries of his watchmen have been duly disbursed, and, at the end of each year, shall submit an abstract statement showing the following details relating to the past year —

(a) The amount of the chaukidari cess leviable in his estate,

(b) The amount collected,

(c) The amount spent on the salaries of watchmen,

(d) The amount spent on uniform and equipments supplied to watchmen, and

(e) The surplus if any

PART III

General Provisions

52 Except in respect of the estates of Istimrardars, the District Magistrate may delegate to a Sub-Divisional Magistrate all or any of the powers conferred upon the District Magistrate by the foregoing rules, and the Sub-Divisional Magistrate may then exercise the powers within the limits of his sub-division

53 Nothing in any of the foregoing rules shall be deemed to impair or modify the responsibilities devolving upon Istimrardars, Jagirdars, or Bhumias under their respective sanads, or the orders of the Chief Commissioner or the Governor-General in Council, as the case may be

PRINTING PRESSES AND BOOKS.

[1] *No* 1294, *dated the 12th March* 1868

By virtue of the power vested in the Governor-General in Council by Section 21 of Act XXV of 1867, entitled, 'An Act for the Regulation of Printing Presses and Newspapers, for the preservation of copies of Books printed in British India, and for the registration of such books" His Excellency in Council is pleased to declare that all books, maps, sketches charts, and papers printed or published under orders of Government or for Official purposes are exempted from the provisions of the said Act

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HOME DEPARTMENT

NOTIFICATION

[2] *No* 4823 *dated Simla, the 21st October* 1869

By virtue of the power vested in the Governor General in Council by Section 21 of Act XXV of 1867, entitled, "An Act for the Regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India and for the registration of such books" His Excellency in Council is pleased to exempt from the operation of the clause in Section 18 of the said Act, which requires the payment of the sum of two rupees to the officer keeping the catalogue of books, all such books as become the property of Government for educational purposes

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[3] *No* 5793 *dated the 30th December* 1870

Under Section 21 of Act XXV of 1867 (an Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of b oks printed in British India, and for the registration of such books) the Governor-General in Council is pleased to exempt from the operation of the said Act all reprints and translations without comment or annotation, of Acts of the several Indian Legislatures published in British India

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[1] The Gazette of India March 14th 1868, part I, page 374

[2] The Gazette of India October 23rd 1869, part I, page 400

[3] See Gazette of India for 1870, part I page 852

HOME DEPARTMENT

NOTIFICATION

[a] *No* 5604 *dated the* 21*st December* 1871

By virtue of the power vested in the Governor General in Council by Section 21 of Act XXV of 1867 entitled An Act for the regulation of Printing Presses and Newspapers for the preservation of copies of books printed in British India and for the registration of such books His Excellency in Council is pleased to declare that the following publications are exempted from the provisions of the said Act —

1 —[Cancelled by Notification No 3276 dated 16th August 1872 See Gazette of India part I for 1872 page 777]

2 —Acts of the Legislative Councils without notes or commentaries

3 —Price lists and tradesmen s circulars

4 —Catalogues of books and other articles auctioneer s notices and advertisements

5 — Play bills comprising advertisements of theatrical and musical entertainments

6 —Decisions of Courts of law without notes or commentaries

7 —Petitions and appeals addressed to constituted authority under the provisions of law

8 —Testimonials of private individuals or public officers

9 —Annual reports of schools banks societies and firms

10 —Almanacs and calendars

11 —Labels affixed to articles of commerce

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[a] The Gazette of India 23rd December 1871 part I page [illegible]

NOTIFICATIONS

[1] *No* 205-258, *dated Abu, the 25th February* 1891.

The following rules made by the Chief Commissioner, under Section 20 of Act XXV of 1867, as amended by Act X of 1890 (Printing Presses and Books), are published for general information in supersession of the rules hitherto in force under the said Section —

I —The copy of the book referred to in clause (*a*) of the first paragraph of Section 9, together with a memorandum giving the particulars referred to in Section 18, will be delivered by the Printer to the Assistant Commissioner of the district in which the Press issuing the work is situated

II —The Assistant Commissioner will send the copy to the Commissioner for deposit in his Office at Ajmere It will be accessible to the public for reference

III —All fines and forfeitures recovered and registration fees taken under the Act shall from time to time be paid into the Treasury to the credit of "22—Education," the treasury chalan being sent to the Commissioner and Director of Public Instruction

IV —The catalogue prescribed by Section 18 will be kept by the Assistant Commissioner, who will transmit to the Commissioner's Office quarterly a copy of memoranda registered during the preceding quarter for disposal in accordance with Section 19 of the Act

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[2] *No* 401 *of* 1892, *dated Abu*, 23*rd April* 1892

In accordance with Section 9 of Act XXV of 1867, as amended by Act X of 1890, the Chief Commissioner is pleased to direct that the Assistant Commissioner, Ajmere, shall be the Officer to whom, and his office the place at which, the printer of every book printed in Ajmere-Merwara shall deliver the copy required by Section 9, Clause (*a*) of said Act, to be so delivered or such further copies as by Section 9, Clause (*b*) may, on requisition by the Local Government be required from such printer

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[1] Gazette of India part II dated 7th March 1891, page 124

Clause I of this Notification seems to have been superseded by Notification No 401, dated 23rd April 1892

[2] Gazette of India, part II, dated 30th April 1892, page 271

PROCEDURE (CIVIL)

GOVERNMENT OF INDIA

DEPARTMENT OF FINANCE AND COMMERCE

SEPARATE REVENUE

POST OFFICE

No 225 *dated Simla, the 12th April* 1882

Read the undermentioned papers regarding a proposal to levy Court fees in lieu of postage or processes, notices, etc, transmitted by post —

Letter from the Government of Bombay to the Home Department, No 5644, dated 27th August 1881

Letter from the Home Department to the Registrar of the High Court, Calcutta, No 1230, dated 16th September 1881

Letter from the Home Department to the Government of Madras No 1231, dated 16th September 1881

Letter from the Home Department to the Government of the North-Western Provinces and Oudh No 1232, dated 16th September 1881

Letter from the Home Department to the Government of the Punjab No 1233, dated 16th September 1881

Letter from the Government of the Punjab to the Home Department, No 4093, dated 14th November 1881

Letter from the Government of the North-Western Provinces and Oudh, to the Home Department, No 963, dated 2nd December 1881

Letter from the Government of Madras to the Home Department, No 2642 dated 22nd December 1881

Letter from the Registrar of the High Court, Calcutta, to the Home Department, No 35, dated 6th January 1882

Procedure—Civil]

Postage for Processes

Resolution —Section 95 of the Civil Procedure Code (Act X of 1877) provides that postage where chargeable on any notice summons or letter issued under this Code and forwarded by post and the fee for registering the same shall be paid within a time to be fixed by the Court before the communication is forwarded Under this provision of the law parties to civil cases in addition to the various Court fees levied in Court fee stamps are usually obliged to advance small sums of money to defray the postage charges on notices summons or letters which have to be transmitted by post This system involves an amount of account keeping and correspondence in the offices of the Courts out of all proportion to its importance and there can be no complete supervision over the various petty accounts kept in the offices of Judges whose ordinary judicial duties fully occupy their time

2 As a remedial measure it has been proposed that Section 95 of the Civil Procedure Code should be amended so as to admit of the levy of a small additional Court fee stamp to be affixed to each notice summons or letter which has to be sent by post the Court fee being calculated at an average rate which would pay for the transmission and return of an ordinary notice or summons

3 The Governor General in Council observes that Section 95 of the Civil Procedure Code does not require that the postage shall be paid separately but only that it shall be prepaid To secure this object it does not in the opinion of his Excellency the Governor General in Council appear to be necessary to amend the section referred to

4 There can be little doubt that the existing system is very trouble some both to the Courts and to the parties to Civil cases who are obliged to defray the postage charges It seems also undesirable to charge process fees at rates high enough to cover all incidental charges for the service of pro cesses notices etc and then to make a further separate demand for postage

5 Under these circumstances His Excellency in Council is pleased to direct that in future the postage charges on all processes notices and such other documents as are issued from any judicial or revenue court and are required to be transmitted by post shall be paid by means of service postage stamps without any additional charges being levied from the parties at whose instance the processes are issued The value of the service stamps so used shall be paid out of the Process Serving Fund by periodical adjustments to the Imperial revenue This arrangement will entail a loss to the Imperial

postal revenue to the extent of the difference between the ordinary and service postage rates but as it will relieve litigants from certain petty and vexatious charges His Excellency in Council considers it desirable to forego the revenue

6 It is presumed that the process serving funds are in every instance able to bear this additional charge But if in any case it be found otherwise, the rates of process fees might be slightly raised under the Court Fees Act so as to cover postage charges

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Ordered that the foregoing Resolution be communicated for information and guidance—

To the several Local Governments and Administrations

To the Comptroller General

To all Accountants General

Ordered also that a copy be forwarded to the Home Department for information

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NOTIFICATION

[1] *No* 346—*Dated Mount Abu the* 23rd *May* 1881

The Judicial Commissioner of Ajmere Merwara is pleased to direct that the list required by *Section* 140 Civil Procedure Code, to accompany the documents produced by each party at the first hearing of the Suit under *Section* 138 of the Code shall be prepared in the annexed form

2 One such list will be filed by the plaintiff or plaintiffs and a separate one by the defendant or defendants The heading of the Form and the entries in column 2 will be prepared by the party or parties producing the documents, while in column 1 the Court will itself cause the necessary particulars to be recorded In the column of remarks the Court should cause to be entered a note of the admission of the document by the opposite party, (or) if it be not admitted of the manner in which it is proved

3 *Section* 139, Civil Procedure Code prohibits the reception by the Court of documentary evidence at any stage of the proceedings subsequent to the first hearing unless good cause be shown to its satisfaction for previous

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[1] Gazette of India 28th May 1881 part II page 391

non-production, should any documentary evidence be in such manner received at a later stage it should not be placed on the file until accompanied by a list as above provided

4 The Memorandum of documents to be annexed to plaints under *Section* 58 of the Code should also be prepared in the form now prescribed and the provisions of *Section* 63 should be carefully attended to in respect of documents not produced as required by *Section* 59

5 Judicial Officers are enjoined to instruct all petition writers practising in their *Courts accordingly and on and from the 1st October 1881* documentary evidence should not be received until the list in the prescribed form is presented therewith

FORM

List of documents produced by the parties

District in the Court of at

Suit No of

The following is a list of the papers produced by

the in the above Suit ( ) * on the

189

Number of distinguishing marks on the documents	Nature of the document whether original or copy, its date and by whom executed &c	REMARKS

* Here insert with the plaint or at the first second or subsequent hearing, as the case may be

NOTIFICATION

[1] No 1033—*Dated Mount Abu, the* 15*th December* 1882

The Assistant Commissioner of Ajmere is invested with the powers of a Collector for the purposes of Chapter XL Act XIV of 1882

NOTIFICATION

[2] No 902 127—*Dated Abu, the* 21*st August* 1886

The following rules are laid down by the Chief Commissioner of Ajmere-Merwara under Section 160, Act XIV of 1882 (Code of Civil Procedure) regarding the travelling and other expenses to be paid to witnesses summoned to attend the Civil Courts in Ajmere-Merwara —

I Save as hereinafter provided, travelling and other expenses will be allowed on the following scale —

(*a*)—To witnesses of the class of cultivators, labourers and menials, three annas a day ,

(*b*)—To witnesses of a better class, such as zamindars, traders, pleaders and persons of corresponding rank from six annas to two rupees a day as the Court may direct ,

(*c*)—To witnesses of superior rank three rupees a day and

(*d*)—The allowances of officers of Government will be regulated by the rules in the Civil Travelling Allowance Code

II No expenses, other than travelling charges, will be allowed to legal practitioners practising at the place where the Court which they are summoned to attend is held

Travelling charges may be allowed to these witnesses at such rates as the Court considers reasonable and necessary

III Persons other than those mentioned in the last preceding rule, residing within a distance of three miles from the Court-house, will be allowed their expenses at half the rates prescribed in Rule I

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[1] The Gazette of India, 23rd December 1882, part II page 8[illegible]

[2] The Gazette of India, part II, dated 28th August 1886, page 523.

IV If a witness demand any sum in excess of what has been paid to him such sum will be allowed if he satisfy the Court that he has actually and necessarily incurred the additional expense

V If a witness be detained for a longer period than one day the expenses of his detention will be allowed at such rate not exceeding that payable under Rule I as may seem to the Court to be reasonable and proper

VI The Court may on consideration of the merits of any case for reasons stated in writing allow expenses on a higher scale than that prescribed in the foregoing rules

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[1] No 1361 I—*Dated 29th March* 1889

With reference to sections 90 229 229 A 229 B and 650 A of the Code of Civil Procedure the Governor General in Council is pleased to notify that the following Courts among others are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States namely —

CIVIL AND MILITARY STATION OF BANGALORE

The Courts of the Resident in the Mysore Civil Judge and the Munsif

RAJPUTANA

The District Courts of those sections of the Rajputana Malwa Railway which are situated within the territories of States in Rajputana

[ ] The District Court of the section of the Indian Midland Railway which is situated in the Dholpur State

[ ] The Court of Small Causes for the section of the Indian Midland Railway which is situated in the Dholpur State The District Court of that section of the Cawnpore Achnera Railway which is situated within the State of Bharatpur the Court of the Magistrate of Abu the Courts of Small Causes for those sections of the Rajputana Malwa Railway which are situated within the territories of States in Rajputana

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[1] [illegible] Gazette of India for 1889 part I page 18[illegible]

[ ] [illegible] Notification No 9[illegible]6 I dated [illegible]4th March 1891 See Gazette of India for 18[illegible] part I page [illegible]

The Court of Small Causes for that section of the Cownpore Achnera Railway which is situated within the State of Bharatpur

CENTRAL INDIA

The District Courts Rajputana Malwa Railway, at Mhow and Nimach

the Courts of the Civil Judges of Mhow Nimach Nowgong and Indore, the Court of the Political Assistant Goona

The District Court of those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency the Courts of Small Causes at Mhow Nimach Nowgong and Sipri

the Courts of Small Causes Rajputana Malwa Railway Mhow and Nimach sections and

the Court of Small Causes for those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency

HYDERABAD

All Civil Courts in the Hyderabad Assigned Districts and

the Civil Courts of the First and Second Assistant Residents the Cantonment and Assistant Cantonment Magistrates of Secunderabad and the Superintendent of the Residency Bazars

BALUCHISTAN AGENCY

[1] All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent

BARODA

The Court of Small Causes in the Cantonment of Baroda.

[2] The Court of the 1st Assistant for the time being to the Agent Governor General at Baroda.

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[1] As amended by Notification No 14 0 F dated 17th July 1890 Gazette of India for 1890 part I page 530

[2] As added to by Notification No. 3331 dated 4th October 1890 Gazette of India, part I for 1890 page 734

Court of the Thanadar of Santalpur
Court of the Thanadar of Varahi
Court of the Thanadar of Deodar
Court of the Thanadar of Kankrej

NOTIFICATION

No 1362 I *dated 29th March* 1889

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 and of all other powers enabling him in this behalf the Governor General in Council is pleased to declare section 229A of the Code of Civil Procedure to apply to the Courts specified in the Schedule hereto and to notify that a decree of any Court situate in British India which cannot be executed within the jurisdiction of the Court by which it was made may if sent for execution to a Court specified in the Schedule be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself

SCHEDULE

Civil and Military Station of Bangalore

The Court of the Civil Judge

Rajputana.

The District Courts of those sections of the Rajputana Malwa Railway which are situated within the territories of States in Rajputana.

[1] The District Court of the section of the Indian Midland Railway which is situated in the Dholpur State

[1] The Court of Small Causes for the section of the Indian Midland Railway which is situated in the Dholpur State

The District Court of that section of the Cawnpore Achnera Railway which is situated within the State of Bharatpur

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[1] As amended by Notification No 997 I dated 4th March 1891 See Gazette of India Part I page 1 1

The Court of the Magistrate of Abu

The Courts of Small Causes for the sections of the Rajputana Malwa Railway which are situated within the territories of States in Rajputana.

The Court of Small Causes for that section of the Cawnpore Achnera Railway which is situated within the State of Bharatpur

CENTRAL INDIA

The District Courts Rajputana Malwa Railway at Mhow and Nimach

[1] The District Courts of those Sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency The Courts of the Civil Judges of Mhow Nimach Nowgong and Indore the Court of the Political Agent Goona the Courts of Small Causes at Mhow Nimach Nowgong and Sipri the Courts of Small Causes Rajputana Malwa Railway Mhow and Nimach sections and

HYDERABAD

All Civil Courts in the Hyderabad Assigned Districts and

The Civil Courts of the Second Assistant President the Cantonment and Assistant Cantonment Magistrates of Secunderabad and the Superintendent of the Residency Bazars

BALUCHISTAN AGENCY

[ ] All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

BARODA

The Court of Small Causes in the Cantonment of Baroda.

[3] The Court of the First Assistant to the Agent to the Governor General [3]

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(1) The Court of Small Causes for the sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency

[2] Amended by Notification No. 1481 I dated 1 th July 1890 Gazette of India part I page 530

[3] The Gazette of India 1 89 part I page 1 4 Added by Notification No. 3 I dated 4th October 189 See Gazette of India for 188 part I page 35.

MANIPUR

The Court of the Political Agent at Manipur

[1] KASHMIR

The Court of the Resident in Kashmir the Courts of Assistants to the Resident in Kashmir

[2] No 2180 I—*Dated 2nd July* 1890

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 and of all other powers enabling him in this behalf the Governor General in Council is pleased in continuation of Foreign Department Notification No 1362 I dated 29th March 1889 to declare section 229 A of the Code of Civil Procedure to apply to the Courts specified in the Schedule hereto and to notify that a decree of any Court situate in British India which cannot be executed within the jurisdiction of the Court by which it was made may if sent for execution to a Court specified in the Schedule be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself

SCHEDULE

KATHIAWAR.

Court of the Political Agent Kathiawar
Assistant Political Agent Jhalavad Prant
Deputy Assistant Political Agent Jhalavad Prant.
Assistant Political Agent Sorath Prant
Deputy Assistant Political Agent Sorath Prant
Assistant Political Agent Halar Prant
Deputy Assistant Political Agent Halar Prant
Assistant Political Agent Gohelvad Prant
Deputy Assistant Political Agent Gohelvad Prant

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[1] Added by Notification No 14?? I dated 13th July 1891 Gazette of India for 1891 part I page 4??.

[2] Gazette of India for 1890 part I page 4?4

MAHI KANTHA

Court of the Political Agent, Mahi Kantha
" Assistant Political Agent, Mahi Kantha
" Personal Assistant Political Agent, Mahi Kantha

REWA KANTHA

Court of the Political Agent, Rewa Kantha
" Assistant Political Agent, Rewa Kantha

PALANPUR

Court of the Political Superintendent, Palanpur
" Personal Assistant to the Political Superintendent, Palanpur

[1] KOLHAPUR AND SOUTHERN MARHATTA COUNTRY

Court of the Political Agent, Kolhapur and Southern Marhatta Country

Court of Assistant Political Agent, Kolhapur and Southern Marhatta Country

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NOTIFICATION

[2] No 53-J—*Dated the 7th March* 1879

Under Section 434 [3] of the Code of Civil Procedure, the Governor General in Council is pleased to declare that decrees of the Civil and Revenue Courts of Cooch Behar may be executed in British India, as if they had been made by the Courts of British India.

[4] No 233-I J—*Dated the 25th November* 1881

Under Section 434 [5] of the Code of Civil Procedure, the Governor-General in Council is pleased to declare that decree of the Civil and Revenue Courts of Mysore may be executed in British India as if they had been made by the Courts of British India

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[1] Added by Notification No 4111 I, dated 8th October 1891 See Gazette of India, part I for 1891, page 572

[2] *Vide* Gazette of India for 1879, part I, page 149

[3] For Section 434 read Section 229 B of the Code of Civil Procedure. *Vide* Section 39 of Act VII of 1888

[4] See Gazette of India, part I for 1881, page 589

[5] For Section 434 Civil Procedure Code read section 229 B of the Code of Civil Procedure *Vide* Section 39 of Act VII of 1888

Courts Established by the Governor-General.

[1] No 867-I —*Dated the 13th March* 1885

In exercise of the power conferred by Section 434 [2] of the Code of Civil Procedure, the Governor-General in Council is pleased to declare, in supersession of Foreign Department Notification No 40-I J. of the 12th March 1880, that the decrees of those of the undermentioned Civil Courts situate in the territories of Native Princes or States in alliance with Her Majesty which have not been established by the authority of the Governor-General in Council, may be executed in British India as if they had been made by the Courts of British India

LIST OF COURTS

KATHIAWAR

1	Court of the Political Agent		
2	„	„	Assistant Political Agent, Jhalavad Prant.
3	„	„	Deputy Assistant Political Agent, Jhalavad Prant
4	„	„	Wadhwan Station Thanadar
5	„	„	Chotila Thanadar
6		„	Paliyad „
7	„	„	Dasada „
8	„	„	Bhoika „
9	„	„	Vithalgad „
10	„	„	Jhinjhuvada Kamdar.
11.	„	„	Assistant Political Agent, Sorath Prant.
12	„	„	Deputy Assistant Political Agent, Sorath Prant
13	„	„	Bagasra Thanadar.
14	„	„	Lakhapadar Thanadar.
15.	„	„	Assistant Political Agent, Halar Prant
16	„	„	Deputy Assistant Political Agent, Halar Prant.
17.	„	„	Lodhika Thanadar
18	„	„	Dhrapa „
19	„	„	Assistant Political Agent, Gohelvad Prant.
20	„	„	Deputy Assistant Political Agent, Gohelvad Prant.
21.	„	„	Babra Thanadar.

[1] Gazette of India for 1885, part I, page 205

[2] For Section 434 Civil Procedure Code, read Section 229 B of the Code of Civil Procedure *Vide* Section 39 of Act VII of 1888

22	Court of the Songad Station Thanadar	
23	„ „ Datha Thanadar	
24	„ „ Chamardi „	
25	„ „ Chok „	
26	, „ Judge of the Court of Small Causes, Rajkot	
27	„ „ Deputy Thanadar of Malila	
28	„ „ Thanadar of Dedan	

KOLHAPUR AND SOUTHERN MARATHA COUNTRY

1	Court of the Political Agent, Kolhapur and Southern Maratha Country	
2	„ „ Assistant Political Agent, Southern Maratha Country	
3	„ „ Regent in Council, Kolhapur	Kolhapur State
4	„ „ Chief Judge, Kolhapur	
5	„ , „ of Kagal	
6	„ „ „ of Bowda.	
7	„ „ Sadar Amin, Kolhapur	
8	„ „ Munsif of Shirol	
9	, „ God Hinglag	
10	„ , Karbhari of Kagal	
11	, , Bowda	
12	, „ Munsif of Inchal Karanji	
13	, , Munsif of Vishalgad	
14	„ „ Joint Officer at Katkol.	
15	„ „ Nyayadhish of Miraj.	Miraj State (Senior).
16	„ „ Munsif of Lakshmeshvar	
17	„ „ „ Modnimb	
18	The Karbharis Court.	Miraj State (Junior)
19	Court of the Munsif of Kowtha	
20	„ „ „ Gudgiri	
21	„ „ „ Karoli.	
22	The Karbhari's Appellate Court, Ramdurg	Ramdurg State.
23.	Court of the Nyayadhish of Ramdurg	
24	„ „ Wahiwatdar of the Sub-Saranjam of Mhysal.	Mhysal State

Courts Established by the Governor-General

25	Court of the Huzur Court			Sangli State.
26	„	„	Nyayadish	
27	„	„	Munsif of Miraj Prant	
28	„	„	Munsif of Mangalvedha Kuchi and Terdal or Northern Division	
29	„	„	Munsif of Shahapur and Shinhathi or Southern Division	

REWA KANTHA.

1	Court of the Political Agent		
2.	„	„	Assistant Political Agent
3	„	„	Joint Administrators of Rajpipla
4	„	„	Nyayadish of Rajpipla
5	„	„	Thanadar of Sankhero Mehwas.
6	„	„	Pandu „
7	„	„	„ Dorka „

MAHI KANTHA

1	Court of the Political Agent		
2	„	„	Assistant Political Agent
3	„	„	Native Assistant to the Political Agent
4	„	„	Thanadar in the Bavisi Zilla
5	„	„	„ „ Katosan
6	„	„	„ „ Sabar Kantha Zilla.
7	„	„	„ „ Gadwara „
8	„	„	„ „ Hadol „
9	„	„	„ „ Jher Nirmali „
10	„	„	Japtidar of Mohanpur
11.	„	„	„ „ Warsoda
12.	„	„	„ „ Pethapur.
13	„	„	„ „ Godasar.
14	„	„	„ „ Gabat

Courts Established by the Governor-General

PALANPUR

1 Court of the Political Superintendent
2 " " Senior Assistant Political Superintendent
3. " " Junior " " "
4 " Thanadar of the Tharad Jamya villages
5 " " " Vav
6 " " " Santalpur
7. " " " Varahi
8 " " Diodar
9 " " " Kankrej Zilla
10 " " Jahtidar of the Estate of Malik Jorawar Khan Uomar Khan of Varahi

SAVANTWADI

1 Court of the Political Superintendent
2 " " Judicial Assistant Political Superintendent
3 " " Nyayadhish of Savantwadi
4 " " Munsif of Kudal

SHOLAPUR (AKALKOT)

1 Court of the Nyayadhish of Akalkot
2 Subordinate Court of Pulio
3 " " Kurla

DHARWAR (SAVANUR)

1 Court of the Political Agent, Dharwar

SURAT

1 Court of the Sachin State

SATARA

1 Court of the Political Agent, Satara
2 " " Joint Administrators of Phaltan

KHANDESH

1 Court of the Political Agent
2 " " Assistant Political Agent for Mowas States
3 " " " " " Dang and Surgana States

Courts Established by the Governor General

[1] No 2265 I —*Dated 10th July* 1885

With reference to Foreign Department Notification No 867-I, dated the 13th March 1885, and in exercise of the power conferred by Section 434 [2] of the Code of Civil Procedure, the Governor-General in Council is pleased to declare that the decrees of the Court of the Sir Nyayadish of Janjira which is situate in the territory of a Native Prince in alliance with Her Majesty, and has not been established by the authority of the Governor-General in Council, may be executed in British India as if they had been made by the Courts of British India.

[3] No 2360 I —*Dated the 17th July* 1885

With reference to Foreign Department Notification No 867-I, dated the 13th March 1885 and in exercise of the power conferred by Section 434 [2] of the Code of Civil Procedure, the Governor General in Council is pleased to declare that the decrees of the under mentioned Courts, which are situate in the territory of a Native Prince in alliance with Her Majesty, and have not been established by the authority of the Governor General in Council, may be executed in British India as if they had been made by the Courts of British India —

1 Court of the Munsiff of Nandod

2 Court of the Munsiff of Bhalod.

[4] No 3490 I —*Dated Simla, the 15th October* 1885

With reference to Foreign Department Notification, No 867 I, dated the 13th March 1885 and in exercise of the power conferred by section 434 [2] of the Code of Civil Procedure, the Governor General in Council is pleased to declare that the decrees of the Court of the Political Agent of Sholapur, which is situated in the territory of a Native Prince in alliance with Her Majesty, and has not been established by the authority of the Governor-General in Council, may be executed in British India as if they had been made by the Courts of British India.

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[1] See Government of India, part I for 1885, page 536

[2] For Section 434 C. P. C. read Section 229 B Code of Civil Procedure *Vide* Section 39 of Act VII of 1888

[3] Gazette of India for 1885 part I, page 402

[4] Published at page 584 Gazette of India part I for 1885

NOTIFICATIONS

[1] No 736 *Camp Jeypore dated 6th December* 1877

In exercise of the power conferred by Section 269 of the Code of Civil Procedure the Chief Commissioner Ajmere Merwara is pleased to make the following Rules for the custody while under attachment of live stock and other moveable property

(1) Live stock and other property which are bulky or not readily portable shall after seizure by the Nazir or his officer be made over when practicable to the custody of a village *Lambardar* or such other respectable person as will undertake to keep such property subject to the orders of the Court

(2) Light and readily portable property of all kinds and especially valuable property of small bulk such as jewels &c shall after seizure be taken to the Head quarters of the Court executing the decree and be there made over to the custody of such officer as the Court may direct

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[1] No 738 *dated 6th December* 1877

In exercise of the powers conferred by Section 336 of the Code of Civil Procedure the Chief Commissioner of Ajmere Merwara is pleased to direct that whenever a judgment debtor is arrested in execution of a decree for money and brought before the Court under the said section the Court shall inform him that he may apply under Chapter XX of the said Code to be declared an Insolvent and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application and if he places all his property in possession of a Receiver appointed by the Court

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Para 2850 Section XXVII/1 Part II, Volume II of Army Regulations, India

If in execution of a decree a warrant of arrest or other process is to be enforced within the limits of a Garrison Cantonment Military Station or

[1] Rajputana Official Gazette dated 8th December 1877

Procedure—Civil]

Sections 344 *and* 360 *C P C*

Military Bazar the officer entrusted with the execution of such warrant or other process shall carry the same to the commanding officer, or, in his absence, to the senior officer actually present in the Garrison Cantonment Station or Military Bazar, and the Commanding Officer or such senior officer upon such warrant or other process being produced to him shall endorse the same with his signature, and in the case of warrant of arrest shall cause the person named in the warrant to be arrested if within the limits of his command and delivered according to the exigency of the warrant to the civil officer charged with the execution thereof

ORDERS BY CHIEF COMMISSIONER AJMERE MERWARA

Every petitioner under Section 344 of the Code of Civil Procedure 18[illegible] shall be required to deposit together with his petition such a sum of money as the Court may in each case consider sufficient to cover the cost of issue of notices and other preliminary charges

(*Vide Chief Commissioner's letter No* 956 *dated 3rd September* 188[illegible])

[1] No 815—*Dated Mount Abu the 28th September* 1883

The Chief Commissioner, Ajmere Merwara is pleased under Section 3[illegible] of the Code of Civil Procedure to invest the Judges of the Court of Small Causes at Ajmere and Beawar with the powers conferred on a District Court by Sections 344 to 359 (both inclusive) of the said Code

[1] Gazette of India part II dated 6th October 1883 page [illegible]

[1] No 953.—*Dated Camp Sojut 21st November* 1879

RULES FOR THE CONDUCT OF SUITS IN WHICH GOVERNMENT MAY BE A PARTY IN THE AJMERE AND MERWARA DISTRICTS

In amendment of this Office Notification dated 8th August 1874 the following Rules for the conduct of suits in which Government is a party in the Ajmere and Merwara District are published for general information:—

I.—No suit on the part of Government can be instituted in any Civil Court against any person without the sanction of the Chief Commissioner.

II.—Whenever it appears to the Assistant Commissioner or to the Principal Executive Officer in other Departments that a suit on the part of Government ought to be instituted in any Civil Court, he shall make a report of the circumstances for the Chief Commissioner's orders, submitting at the same time a copy of the proposed plaint drawn up according to the requirements of the Code of Civil Procedure in the language in ordinary use in the Court, together with an English translation on half margin paper. The report must be full and complete and must contain a clear statement of all the evidence by which the claim can be supported. If the claim is based upon a written document, a copy of the document must be sent; copies of any other papers the inspection of which is considered necessary to the elucidation of the case must also be forwarded with the report.

III.—When any suit is brought against the Government in the Civil Court, the Assistant Commissioner or the Principal Officer of the Department concerned in the case shall immediately enquire fully into the circumstances and shall submit with the least possible delay a full Report to the Chief Commissioner. For this purpose all summonses in suits instituted against Government, even if any other party is also implicated by name, shall also be accepted by the Assistant Commissioner (*as representative of the Government*) in order that any preliminary procedure that is necessary may be observed while superior authority is being consulted.

IV.—If the Assistant Commissioner or other Officer as above be of opinion that the suit should be defended on the part of Government, the

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[1] Rajputana Official Gazette dated 29th November 1879, pages 229 and 230

following papers will invariably be sent with the Report required by the last preceding rule,—

1st—Copy of the plaint with abstract translation in English

2nd—Draft of the proposed written statement to be tendered to the Court in reply under Section 110 of the Code of Civil Procedure in the language in ordinary use in the Court together with a translation in English on half margin paper

3rd—Descriptive list of all documents which it is propo ed to file as evidence or of which production in Court is required as provided by Sections 70 128 129 131 and 138 of the Code of Civil Procedure

4th—Copies of any papers the inspection of which is considered necessary to the elucidation of the case

V—In preparing the written statement proposed to be tendered in reply, the requirements of Sections 114 and 115 of the Code of Civil Procedure must be carefully observed

VI—On the receipt of the reports referred to in rules II and III the Chief Commissioner will issue explicit instructions regarding the institution or defence of the suit as the case may be These instructions will specify the person to whom the conduct of the case on the part of Government will be entrusted This person will ordinarily, but not necessarily, be the Assistant Commissioner of the District where the cause of action has arisen

VII—In case of urgent necessity where the delay necessary for reference to the Chief Commissioner may be very prejudicial the Assistant Commissioner may on his own responsibility institute a suit but he must immediately report having done so and transmit full particulars as above

VIII—On the receipt of the instructions referred to in Rule VI the Assistant Commissioner or other person entrusted with the conduct of the case, will be responsible for all further measures that may be required He need not apply for fresh instructions from the Chief Commissioner during the progress of the suit except in case of doubt or difficulty He will appoint the Government Pleader, or a fit person to act as recognized Agent for Government in the suit and will give such further instructions regarding the conduct of the suit as he may consider necessary

Rules for the Conduct of Suits to which Government is a party

IX.—The Assistant Commissioner or other officer entrusted with the conduct of the case, will send immediate information to the Chief Commissioner of the Judgment passed in the suit. If the decision be against the Government and the presentation of an appeal be considered desirable, a report must at the same time be submitted for the Chief Commissioner's orders stating fully the reasons for which this course is recommended. With it the following papers must be sent, *viz* —

1st.—A copy of the judgment and decree against which it is proposed to appeal with an English translation of the judgment if it was not given in English.

2nd.—Draft of proposed memo of appeal drawn up in accordance with the requirements of the Code of Civil Procedure together with an English translation on half margin paper.

X.—On the receipt of the report referred to in the last preceding Rule, the Chief Commissioner will issue instructions in the manner desired in Rules VI.

XI.—If the decision be in favor of the Government and an appeal be made by the opposite party the Assistant Commissioner or other person who was entrusted with the conduct of the original suit will take such measures as in his judgment may be necessary for defending the case in the Appellate Court. He need not apply for fresh instructions from the Chief Commissioner except in cases of doubt or difficulty.

XII.—Rules IX, X and XI will also *mutatis mutandis* be applicable to the judgments of the Appellate Court, and to cases in which it may be considered necessary to present an application for the admission of a special appeal on the part of Government, or in which a special appeal is preferred by the opposite party.

XIII.—If a suit shall be brought against an Officer of Government, and the Chief Commissioner considers that the act or omission complained of was *prima facie* contrary to law and to the principles of justice the suit will not be defended on the part of Government but it will be left to the officer concerned to take such measures in the case at his own expense as he may think fit.

Procedure—Civil.]

Section 433 *C P C*

NOTIFICATION

[1] No 1369-I—*Dated 29th March* 1889

Under Section 433, Sub section 4 of the Code of Civil Procedure the Governor General in Council is pleased to authorize each of the Local Governments specified in the first column of the following table, and any of its Secretaries, to exercise, with respect to the Princes and Chiefs specified by their titular names against such Government in the second column of the table, the functions assigned by sub sections (1), (2) and (3) of the said section to the Governor-General in Council and a Secretary to the Government of India, respectively —

Local Government	Princes and Chiefs
Madras	His Highness the Maharaja of Travancore
	,, ,, Raja of Cochin
	,, ,, ,, Pudukota
	The Nawab of Banganapalle
	,, Raja of Sandur
Bengal ..	The Deb Raja of Bhutan
	His Highness the Maharaja of Sikkim
	,, ,, Cooch Behar
	,, ,, Hill Tipperah.
	The Maharaja of Keunghar, Tributary Mehals, Orissa.
	,, Raja of Nilgiri ,, ,, ,,
	,, ,, Baud ,, ,, ,,
	,, ,, Tigiria ,, ,, ,,
	,, ,, Ranpur ,, ,, ,,
	,, ,, Nyagarh ,, ,, ,,
	,, ,, Khandpara ,, ,, ,,
	,, ,, Athgarh ,, ,, ,,
	,, ,, Daspalla ,, ,, ,,
	,, ,, Talcher ,, ,, ,,

[1] Gazette of India for 1889, part I, page 187

Local Government	Princes and Chiefs
Bengal	The Raja of Athmallik Tributary Mehals Orissa
	Hindol
	Pal Lahara
	Baramba
	Dhenkanal
	Moharbhanj
	Narsingpur
	Singoojal Tributary Mehals Chota Nagpur
	Jashpur
	Bona
	Gangpur
	Korea
	Udaipur
	Chief of Chang Bhakar
	Raja of Serakella Singhboom
	Thakur of Kharsawan
North Western Provinces	His Highness the Nawab of Rampur
	Raja of Tehri
Punjab	His Highness the Maharaja of Patiala
	Nawab of Bhawalpur
	Raja of Jhind
	Nabha
	Kapurthala
	The Raja of Mandi
	Nahan
	Bilaspur
	R h l r
	Nalagarh
	Keonthal

LOCAL GOVERNMENT	PRINCES AND CHIEFS
PANJAB	The Nawab of Maler Kotla
	„ Raja of Faridkot
	„ „ Chamba
	„ „ Suket
	„ Chief of Kalsia
	„ Nawab of Pataudi
	„ „ Loharu
	„ „ Dujana
	„ Raja of Baghal
	„ Rana of Baghat
	„ „ Jubbal
	„ Kumharsain
	„ Bhajji
	„ Thakur of Mailog
	„ Rana of Balsan
	„ „ Dhami
	„ „ Kuthar
	„ „ Kunihar
	„ „ *Mangal*
	„ Thakur of Bija
	„ Rana of Darkuti
	„ Thakur of Tiroch
	„ Chief of Sangri
	„ *Rana of Koti*
CENTRAL PROVINCES	The Raja of Bastar
	„ *Maharaja of Patna*
	„ Raja of Karond or Kalahandi
	„ „ *Sonpur*
	„ „ *Bamra*
	„ „ Rehrakhol

LOCAL GOVERNMENT	PRINCES AND CHIEFS
	The Raja of Sarangarh
	,, Raigarh
	,, ,, Kankar
	,, ,, Khairagarh
CENTRAL PROVINCES	,, Nandgaon
	Chief of Kondka or Chhuikadan
	,, Thakur of Kawarda
	Raja of Sakhti
	,, ,, Makrai
ASSAM	His Highness the Maharaja of Manipur

NOTIFICATION

[1] No 2181 —*Dated the 2nd July* 1890

Under Section 433 Sub section (4) of the Code of Civil Procedure and in continuation of Foreign Department Notification No 1369 I dated 29th March 1889 the Governor General in Council is pleased to authorise the Government of Bombay and any of its Secretaries to exercise with respect to the Princes and Chiefs below specified by their titular names the functions assigned by Sub sections (1) (2) and (3) of the said section to the Governor-General in Council and a Secretary to the Government of India respectively —

KATHIAWAR

His Highness the Nawab of Junagad
His Highness the Jam of Nawanagar
His Highness the Thakur Saheb of Bhaonagar
His Highness the Rana of Porbandar
His Highness the Raj Saheb of Dhrangadra
His Highness the Thakur Saheb of Morvi
His Highness the Thakur Saheb of Gondal
The Raj Saheb of Wankanir

[1] Gazette of India for 18[illegible] Part I p [illegible]

The Thakur Saheb of Palitana
The Thakur Saheb of Dhorol
The Thakur Saheb of Limri (Limdi)
The Thakur Saheb of Rajkot
The Thakur Saheb of Wadhwan

MAHI KANTHA

His Highness the Maharaja of Idar
The Rao of Pal
The Rana of Danta

REWA KANTHA

His Highness the Raja of Rajpipla
The Raja of Chota Udepur
The Raja of Bariya
The Raja of Lunavada
The Nawab of Balasinor
The Raja of Santh

CUTCH

His Highness the Rao of Cutch

PALANPUR

His Highness the Diwan of Palanpur
His Highness the Nawab of Radhanpur

SURAT

His Highness the Raja of Dharampur
The Raja of Bansda
The Nawab of Sachin

KAIRA

His Highness the Nawab of Cambay

THANA

The Raj of Jowhar

SIKARPUR

His Highness the Mir of Khairpur

KOLHAPUR

His Highness the Raja of Kolhapur

SAVANTWADI

The Sir Desai of Savantwadi

KOLABA

The Nawab of Janjira

[1] No 416—*Mount Abu the 17th June* 1882

It is ordered that the following Rules relating to appeals to Her Majesty in Her Privy Council under Section 612 of the Code of Civil Procedure be read and passed as Rules of the High Court of Judicature for the Ajmere Merwara District —

1 The security for the costs of the respondent required by Section 602 shall in ordinary cases amount to Rs 4 000 Such security shall consist either of cash or Government securities or of immoveable property or of any or all together if necessary to secure the amount In the event of the Court deeming it proper to call on the appellant to furnish further security such additional security shall consist of cash or Government securities or of immoveable property or of any or all together if necessary to secure the amount but in no case shall security be required nor under Section 605 shall it be increased to an amount exceeding Rs 10 000

The amount and nature of the security required under Sections 602, 605, 608 and 609

2 The amount of the security to be furnished by the appellant or respondent under section 608 or section 609 shall be such as the Court shall deem sufficient and shall consist either of cash or Government securities or of immoveable property

3 When the security offered under section 602 section 605 section 608 or section 609 consists of immoveable property the appellant or respondent as the case may be shall file a bond duly registered mortgaging such property together with a specification of the title of the mortgagor

4 When such bond has been filed the Court shall direct the security to be tested by the Judge of the Court of the District within which the immoveable property therein mortgaged is situated

The testing of the security

5 When a certificate is granted the applicant shall forthwith apply to the District Judge to prepare lists (*A*) (of papers to be transmitted to the Registrar of the Privy Council) and (*B*) (of formal and other papers not to be so transmitted) and to make an estimate of the cost of preparing the record for transmission and shall state whether the transcript is to be printed in India or not

The estimate of the Cost of transmitting the record

[1] Gazette of India dated [illegible] June 18[illegible] part II page [illegible]

6 On the receipt of the application together with a fee of sixteen rupees the District Judge shall prepare the lists before mentioned and make an estimate of the expense of translating, transcribing or printing, and of forwarding to the Registrar of the Privy Council the record of the case including a margin of two hundred rupees, and shall furnish the lists and estimate to the Council pleader, or attorney of the applicant

7 At any time within two weeks from the receipt of the lists and estimate the applicant may object thereto, and if the District Judge refuse to allow the objection the matter shall be at once submitted for the order of the High Court

8 Ordinarily the whole record shall be transcribed with the exception of such documents papers and accounts as are specified in section 602 sub sections (1) (2) (3) and (4)

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9 All documents not drawn up or written originally in the English language and which have not been translated for the use of the Court, shall be translated into English and all translations so made shall be certified by one of the Court translators

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10 An index of all the documents included in the transcript shall be prepared and annexed to the record in the form subjoined and shall be followed by a list (*B*) of all other papers documents and exhibits in the cause not included in the transcript —

1	2	3
Serial number	Description of document	Remarks

11 In the index and transcript the papers shall be placed in the following order—

Plaint
Written Statement

Examination of parties or their agents &c
Injunctions
Orders of attachments &c (if any) obtained before judgment
Issues framed (if any)
Exhibits of plaintiff
Exhibits of defendant
Report of Commissioner (if any) with Maps Depositions &c annexed
Judgment and decree
Memorandum of appeal
Cross appeal or Memorandum of objections under Section 561 (if any)
Proceedings in Appellate Court (if any)
Judgment and decree of that Court
Petition of appeal to Privy Council Affidavits &c
Appendix (if any)
List (B) of papers omitted under Rule 8 of these Rules

12 The following charges shall be payable in respect of the matters specified —

	Rs	A	P
Translation of vernacular portion of record per 100 words	1	0	0
Copying English portion of record for office file for every 1 440 words or part thereof	1	0	0
Examining English portion of record for office file for every 1 440 words	0	8	0
Transcribing (one copy) for Privy Council, for every 800 words	1	0	0
Printing (55 copies) per printed page Rs 2 to	3	0	0
Examination of transcript record for every 800 words or part thereof	0	8	0
Examination of Proof for every 1 000 words .	1	0	0
Certifying two copies of printed record, for every 10 printed or manuscript pages or part of 10 pages	1	0	0
Preparation of Index, for every 16 papers or part of 16 papers	1	0	0

13 The estimate shall include these several matters, and be framed in accordance with the charges above specified

14 Immediately after the Court shall have declared the appeal admitted copies of the lists A and B shall be furnished to the Counsel, pleader, or attorney of the respondent, who may, within two weeks of the receipt of the same, apply to the District Judge to include in list A any documents, papers or accounts which he may consider necessary Such application shall either be allowed by the District Judge or be referred by him for the order of the High Court

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15 Application for the recovery of costs incurred in British India in connection with appeals to Her Majesty in Council shall ordinarily be made to the Court from whose order or decree an appeal is presented, and no such application shall be entertained except on proof that fourteen days' notice of the intention to make the application together with a memorandum of the costs claimed has been given to the other party

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[1] No 672—*Dated Camp Ajmere the 4th November 1877*

In virtue of the powers conferred by Section 641 of the Civil Procedure Code (Act XIV of 1882) [2] the Officiating Chief Commissioner of Ajmere Merwara is pleased to exempt the following personages from personal appearance in the Civil Courts —

Division	District.	Rank and names of persons exempted	Residence
Ajmere	Ajmere	*Rao Saheb* Bahadur Singh	Masuda
		Rao Saheb Madho Singh	Kharwa

The exemption is declared to be merely from personal appearance in the Civil Courts and not from the jurisdiction of the said Courts

[1] *Rajputana Official Gazette 24th November 1877, page 20..*
[2] The reference to Act X of 1877 is altered here

Sec 650-A C P C extended to certain Courts

[1] No 232-I J —*Fort William, the 25th November* 1881

Under the provisions of Section 650-A of the Civil Procedure Code, the Governor General in Council is pleased to declare that summonses issued by any Court in Mysore may be sent to the Courts in British India and served as if they had been issued by such Courts

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[2] No 868 I —*Dated 13th March* 1885

In exercise of the power conferred by Section 650 A of the Code of Civil Procedure, the Governor-General in Council is pleased to declare the provisions of that section to apply to those of the undermentioned Civil Courts situate beyond the limits of British India, which have not been established by the authority of the Governor-General in Council —

LIST OF COURTS

KATHIAWAR

1	Court of the		Political Agent
2	„	„	Assistant Political Agent, Jhalawad Prant
3	„	„	Deputy Assistant Political Agent Jhalawad Prant
4	„	„	Wadhwan Station Thandar
5		„	Chotila Thandar
6		„	Paliyad
7	„	„	Dasoda
8		„	Bhoika „
9	„	„	Vithalgod „
10	„	„	Jhinjhuvada Kamdar
11	„	„	Assistant Political Agent, Sorath Prant
12	„	„	Deputy Assistant Political Agent Sorath Prant
13	„	„	Bagasra Thandar
14	„	„	Lakhapadar „
15	„	„	Assistant Political Agent, Halar Prant
16	„	„	Deputy Assistant Political Agent, Halar Prant
17	„	„	Lodhika Thandar

[1] Gazette of India, 26th November 1881, part I, page 589

[2] Gazette of India for 1885, part I, pages 20 , 20

Sec 650 A C P C extended to certain Courts

18	Court of the Dhrapa			
19	„	„	Assistant Political Agent, Gohelvad Prant	
20	„	„	Deputy Assistant Political Agent, Gohelvad Prant	
21	„	„	Bibra Thandar	
22	„	„	Sougad Station Thandar	
23	„	„	Datha Thandar	
24	„	„	Chamudi „	
25	„	„	Chok „	
26	„		Judge of the Court of Small Causes, Rajkot	
27	„	„	Deputy Thandar of Mulila	
28	„	„	Thandar of Dedan	

KOLHAPUR AND SOUTHERN MARATHA COUNTRY

1	Court of the Political Agent, Kolhapur and Southern Maratha Country	
2	Court of the Assistant Political Agent, Southern Maratha Country.	
3	Court of the Regent in Council, Kolhapur	Kolhapur State
4	„ „ Chief Judge Kolhapur	
5	„ „ „ of Kagal	
6	„ „ „ of Bowda	
7	„ „ Sadar Amin, Kolhapur	
8	„ „ Munsif of Shorol	
9	„ „ „ Gad Hinglaj	
10	„ „ Karbhari of Kagal	
11	„ „ „ Bowda	
12	„ „ Munsif of Inchal Karanji	
13	„ „ „ Vishalgad	
14	„ „ Joint Officer at Kathol	
15	„ „ Nayadhish of Mirj	Mirj State (senior)
16	„ „ Munsif of Lakshmeshvar	
17	„ „ „ Modnimb	
18.	The Karbhari's Court	Mirj State (junior)
19	Court of the Munsif of Kowtha.	
20	„ „ „ Gudgiri	
21	„ „ „ Karoli	

22	Karbhari's Appellate Court, Ramdurg		Ramdurg State
23	Court of the Nyayadhish of Ramdurg		Ramdurg State
24	„ „	Wahiwatdar of the Sub-Saranjow of Mhysal	Mhysal
25.	Court of the Huzur Court		Sangli State
26	„ „	Nyayadish	Sangli State
27.	„ „	Munsif of Miraj Prant	Sangli State
28	„ „	Munsif of Mangalvedha Kuchi and Terdal or Northern Division	Sangli State
29	„ „	Munsif of Shahapur and Shirhatti or Southern Division	Sangli State

Rewa Kantha

1	Court of the Political Agent	
2	„ „	Assistant Political Agent
3	„ „	Joint Administrators of Rajpipla
4	„ „	Nyayadish of Rajpipla.
5	„ „	Thanadar of Sankhero Mehwas
6	„ „	„ Pandu „
7	„ „	„ Dorka

Mahi Kantha

1	Court of the Political Agent	
2	„ „	Assistant Political Agent
3	„	Native Assistant to the Political Agent
4	„ „	Thanadar in the Bavisi zilla
5	„ „	„ „ Katosan zilla
6	„ „	„ „ Sabar Kantha zilla.
7	„ „	„ „ Gadwara „
8	„ „	„ „ Hadol
9	„ „	„ „ Jher-Nirmali.
10.	„ „	Japtidar of Mohanpur.
11	„ „	„ Waroda.
12.	„ „	„ Pethapur
13	„ „	„ Godasar
14	„ „	Gabat.

Sec 650-A, C P C extended to certain Courts

PALANPUR

1 Court of the Political Superintendent
2 „ „ Senior Assistant Political Superintendent
3 „ „ Junior „ „ „
4 „ „ Thanadar of the Tharad Jamya villages
5 „ „ „ „ Van
6 „ „ „ „ Santalpur
7 „ „ „ „ Varahi
8 „ „ „ „ Diodar
9 „ „ „ Kankrej zilla
10 „ „ Jaghirdar of the estate of malik Jarawar Khan, Uomar Khan of Varahi

SAVANTVADI

1 Court of the Political Superintendent
2 „ Judicial Assistant Political Superintendent
3 Nyayadhish of Savantwadi
4 „ Munsif of Kudal

SHOLAPUR (AKALKOT)

1 Court of the Nyayadhish of Akalkot.
2 Subordinate Court of Palio
3 „ „ Kurla

DHARWAR (SAVANUR)

1 Court of the Political Agent, Dharwar

SURAT

1 Courts of the Sachin State

SATARA

1 Court of the Political Agent, Satara
2 „ „ Joint Administrators of Phaltan.

KHANDESH

1 Court of the Political Agent.
2 „ „ Assistant Political Agent for Mowas States
3 „ „ „ „ Dang and Surgana States.

[1] No 2266 I—*Dated the 10th July* 1885

With reference to Foreign Department Notification No 868 I dated the 13th March 1885 and in exercise of the power conferred by Section 650 A of the Code of Civil Procedure the Governor General in Council is pleased to declare that the provisions of that section apply to the Court of the Sir Nyayadhish of Janjira which is situate beyond the limits of British India and has not been established by the authority of the Governor General in Council

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[2] No 2361 I—*Dated the 17th July* 1885

With reference to Foreign Department Notification No 868 I dated the 13th March 1885 and in exercise of the power conferred by Section 650 A of the Code of Civil Procedure the Governor General in Council is pleased to declare that the provisions of that section apply to the undermentioned Courts which are situate beyond the limits of British India and have not been established by the authority of the Governor General in Council

1 Court of the Munsif of Nandod
2 Court of the Munsif of Bhalod

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[3] No 3491 I—*Dated 15th October* 1885

With reference to Foreign Department Notification No 868 I dated the 13th March 1885 and in exercise of the power conferred by Section 650 A of the Code of Civil Procedure the Governor General in Council is pleased to declare that the provisions of that section apply to the Court of the Political Agent of Sholapur which is situate beyond the limits of British India and has not been established by the authority of the Governor General in Council

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[1] Gazette of India for 1885 part I page [illegible]
[2] Gazette of India for 1885 part I page [illegible]
[3] Gazette of India for 1885 part I page [illegible]

Execution of Decrees passed by Foreign Courts

[1] No 1363 I —*Dated 29th March* 1889

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 and of all other powers enabling him in this behalf the Governor General in Council is pleased to notify that a decree of any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State which cannot be executed within the jurisdiction of the Court by which it was made may, if sent for execution to any other such Court be executed by the other Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself

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[1] No 1364 I —*Dated 29th March* 1889

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 and of all other powers enabling him in this behalf the Governor General in Council is pleased to notify that a decree of any Civil or Revenue Court situate in the territories of His Highness the Maharaja of Mysore and not established or continued by the authority of the Governor General in Council may if sent for execution to a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself

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[1] No 1366 I —*Dated 29th March* 1889

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879, and of all other powers enabling him in this behalf the Governor General in Council is pleased to direct that a summons issued by any Civil or Revenue Court in British India for service within the local limits of the jurisdiction of a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State shall if sent to that Court be served by that Court within those limits in manner provided by the Code of

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[1] Gazette of India for 1889 Part I page 18[illegible]

Civil Procedure and after being so served be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in Section 90 of that Code

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[1] No 1367 I – *Dated 29th March* 1889

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 and of all powers enabling him in this behalf the Governor General in Council is pleased to direct that a summons issued by any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State for service within the local limits of the jurisdiction of any other such Court shall if sent to the other Court be served by that Court within those limits in manner provided by the Code of Civil Procedure and after being so served be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in Section 90 of that Code

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[2] No 1368 I —*Dated 29th March* 1889

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 and all other powers enabling him in this behalf the Governor General in Council is pleased to direct that a summon issued by any Civil or Revenue Court situate within the territories of ~~His Highness the Nizam of Hyderabad or His Highness the Maharaja of~~ Mysore or of any Prince or State in Central India and not established or continued by the authority of the Governor General in Council shall if sent to any Court so established or continued in the territories of any Foreign Prince or State be served by that Court as if the summons had been issued by itself and after being so served be returned with an endorsement of such service under the hand of the Judge of the Court.

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[1] Gazette of India for 1889 part I page 18[illegible]
[2] Gazette of India for 18[illegible] part I page 18[illegible]

Pleader's Fee in uncontested Cases

No 131 —*Dated the 11th January* 1873

FROM THE COMMISSIONER AJMERE MERWARA TO THE CHIEF COMMISSIONER AJMERE MERWARA

I find that the expenses of Civil Suits are more than doubled by the Pleader's fees and this is more particularly noticeable in the larger quantity of uncontested cases disposed of in the Small Cause Courts of this District In such cases the Pleaders have no work to do and it seems but a reasonable concession that when the debtor confesses his indebtedness that he should not be saddled with the costs of the Vakeel's fees

I understand that a circular was lately issued in the Central Provinces directing that in uncontested cases Vakeel's fees should not be decreed and with your permission I propose to issue like orders for this District

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LETTER NO 61 OF 28TH JANUARY 1873 FROM THE CHIEF COMMISSIONER AJMERE AND MERWARA TO THE COMMISSIONER OF AJMERE AND MERWARA

I have the honor to approve of the proposition made in your letter No 131 dated 11th January 1873 which will tend to protect the people from the oppression of mere money lenders

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CIRCULAR MEMO

No 233-J *of* 1886 —*Ajmere* 25*th June* 1886

A question having arisen as to whether the rule under which Pleaders' fees are not charged in uncontested cases tried by a Small Cause Court is applicable to other Civil Courts in Ajmere Merwara the Chief Commissioner has decided that this rule shall be followed in all Civil Courts in that District.

CIRCULAR OF THE CHIEF COMMISSIONER OF AJMERE-MERWARA

Received with Chief Commissioner's letter No 80 dated 5th February 1878

•   •   •   •   •

No warrant of arrest in execution of decree should for any cause whatever be issued against females

N B —See however Section 21 of the Code of Civil Procedure 1882

COMMISSIONER'S CIRCULARS

No 1 —*Dated 23rd May* 1876

From—THE COMMISSIONER AJMERE MERWARA

To—ALL JUDICIAL OFFICERS IN THE AJMERE MERWARA DISTRICT

Approved by the Judicial Commissioner Ajmere in his letter No 282 dated 20th May 1876

Laxity of practice in certain points connected with Cause Lists Execution of Decrees and other matters have been found to exist in some of the Courts the Commissioner (with the assent of the Judicial Commissioners of Ajmere and Merwara) accordingly finds it necessary to prescribe the following instructions in the more permanent form of a circular for future guidance of the Courts

1 A Cause Register of dates fixed for trial of Original Miscellaneous and Appeal cases as well as Execution of Decree cases in the accompanying form or an extract from it should invariably be placed before the Court and the suits for the day should be disposed of in accordance with such Cause List A Cause List in the Vernacular should be hung up outside each Court showing the cases for hearing in each Court for each day of the month — Cause Registers and Cause Lists

2 A note of the result of the hearing of the suit should be made at each hearing in the column of remarks of the Cause Register and parties should be carefully informed of any adjournment

3 Applications for Execution of decrees shall be at once entered in the Register of Execution of Decree in the accompanying form marked A and a date being fixed for hearing the case should be shown in the Cause Register, until finally disposed of — Execution of Decrees

4 The attention of the Courts is specially drawn to the quick disposal of Execution cases and the necessity of hearing them upon the fixed dates

5 All Courts whether Civil or Criminal shall enter on a separate sheet or sheets in the annexed form, a short chronological abstract in Vernacular of every order passed in the course of the proceedings in a case The entries — Chronological Abstracts of orders

to be made at the time the order is given, consecutively, according to the dates of the orders and the sheet is to be filed in the Record immediately after the Index of papers

Chronological abstract of orders passed in the case of—

Date of order	Abstract of order

6 The entries so made are to be in addition to the usual record of the orders in their proper places in the file, they are intended to facilitate the tracing by Appellate Courts of the course of procedure, in the order in which it occurred in a case

7 Adjournments in certain Courts are very numerous, and sometimes made for insufficient reason ample time when the Defendant lives at a distance should be given him to appear or for other sufficient reason adjournments should not be refused but all suits should then be disposed of without unnecessary delay

8 Examination of witnesses in Civil and Criminal cases should invariably be *recorded on separate sheets and provisions enjoined for the examination* of witnesses in the Civil and Criminal Procedure Codes should be fully attended to

9 It has been found that Native Judges do not invariably comply with the provisions of Section 172 Civil Procedure Code The Assistant Commissioners are directed to enforce the rule A memorandum of the evidence must be made as the examination of the witness proceeds and the practice of making a memorandum of a number of depositions recorded by the Mohurrir after the record has been completed must be at once discontinued.

10 The Judges are directed to make a note on the record in their own handwriting as the case proceeds of all orders that may issue during the currency of the case whether Original Miscellaneous or Execution of Decree

11 It is the duty of the Assistant Commissioners personally and through the Readers of the Courts to acquaint themselves periodically with the state of Registers Records and Procedure of the Courts subordinate to them and to correct any irregularities that may come to their notice and occasionally to examine selected files from each of the subordinate Courts so as to satisfy themselves that unnecessary delays do not occur in disposing of cases

CAUSE REGISTER OF DATES FIXED FOR TRIAL OF ORIGINAL SUITS, MISCELLANEOUS AND APPEAL CASES AND EXECUTION OF DECREES

1	2	3	4	5	6	7	8
Date.	Day	Case			Nature of Case	Claim	Remarks
		Number	Name of Plaintiff	Name of Defendant			

No. A

REGISTER OF EXECUTION OF DECREES.

1	2	3	4	5	0	7	8	9	10	
Date of Application for Execution, with its number in serial order	Number of the suit and date of Decree	Original or Appeal	Names of the Plaintiff or Appellant (Decree holder) and of those Defendants or Respondents against whom the Decree has been passed	Amount of property decreed and nature of decree	Amount for which Execution is now sought	Particulars showing how execution was served and what amount or property was recovered thereby	Amount of property to be recovered after Execution was served	Cause of the non completion of the Execution	Date on which the case of Execution was struck off and purport of final order	REMARKS

Instructions as to Documentary Evidence and framing of Decrees

CIRCULAR

No 373 J—*Dated 14th February* 1888

I The records of civil cases have frequently been found encumbered with numerous documents which have neither been proved nor admitted, and it seems necessary that I should invite the attention of Courts generally to the provisions of Section 59 of the Civil Procedure Code which directs that if the plaintiff sues upon a document, it or a copy of it shall be filed with the plaint, and any other documents which are to be relied upon in support of the claim are to be entered in a list to be annexed to the plaint also to Section 63 which states that a document which ought to be produced when the plaint is presented or entered in the list and is not shall not without the leave of the Court be received in evidence at the hearing

Section 138 and the sections following it of the Code provide that—

"138 The parties or their pleaders shall bring with them and have in readiness at the first hearing of the suit to be produced when called for by the Court, all the documentary evidence of every description in their possession or power on which they intend to rely and which has not already been filed in Court and all documents which the Court at any time before such hearing has ordered to be produced

140 The Court shall receive the documents respectively produced by the parties at the first hearing provided that the documents produced by each party be accompanied by an accurate list thereof prepared in such form as the High Court may from time to time direct.

141 *No document shall be placed on the record unless it has been proved* or admitted in accordance with the law of evidence for the time being in force* Every document so proved or admitted *shall be endorsed with the number and title of the suit, the name of the person producing it and the date on which it was produced* The Judge shall then endorse with *his own hand a statement that it was proved against or admitted by (as the* case may be) *the person against whom it was used The document shall then be filed as part of record*

• • • • • • •

All documents produced at the first hearing and *not so proved or admitted shall be returned to the parties respectively producing them*

*i.e. its existence—Whether it is a colourable or a genuine transaction is a separate question [illegible] independently on the evidence [illegible] definition of the word "proved" in the Evidence Act, 1872

142 When a document so proved or admitted is relied on as evidence by either party but the Court considers it inadmissible it shall be further endorsed with the addition of the word rejected and the endorsement shall be signed by the Judge The document shall then be returned to the party who produced it

It is plain from these sections that it is not intended that the mere filing of a document should make it part of the record But it seems to have been the general impression with some Judges that even if an exhibit is not proved or rejected it is to be placed on the record often without any endorsement—this is so even in the case of proved and admitted exhibits—and almost invariably without considering whether it is proved or admitted

II Another irregularity which has come under notice is the manner in which the decrees are drawn up

What the contents of a decree should be is clearly set forth in Section 206 to which attention is requested Therein it is directed that in addition to certain other particulars the particulars as stated in the register (*vide* § § 58 & 50) should also be incorporated in the decree But in place of these the decree has often been found to contain only such words as claim for the removal of a chabutra or other laconic expressions which of themselves can hardly give the necessary information which the executing Court which has no power to go behind the decree ought to possess for the proper understanding of the final order which it has to execute Moreover in such cases an Appellate Court is not in a position to see if the memorandum of appeal is adequately stamped

III Copies produced by parties for being substituted for originals to be withdrawn should be carefully examined and certified to be true copies and sealed by the proper officer of the Court before they are placed on the record of the case Further these copies should not be partial but faithful transcripts of the originals

IV In criminal cases also the record should contain only such papers as were issued or received according to law by the Court in the exercise of its judicial functions

COMMISSIONER'S CIRCULAR

No 2094 A J —*Dated 7th August* 1888

To—All the Civil Courts in Ajmere Merwara

1 It has been observed that recommendations for the ejectment of exproprietary tenants under Section 52 of the Ajmere Land and Revenue Regulation are generally sent up to the Commissioner for sanction without sufficient information to enable him to deal with them It also appears that the provisions of the law with regard to such ejectment are not well understood The following instructions are therefore issued with the sanction of the Chief Commissioner for the guidance of Civil Courts in Ajmere and Merwara —

2 When a recommendation for ejectment is sent up to the Commissioner the particulars required in the form of Report attached to this Circular should always be furnished

3 The Courts should bear in mind that Section 54 of the Regulation is permissive, not mandatory and that they are not bound to order the ejectment of every exproprietary tenant who has made a default

Special regard should be paid to the provisions of Section 41 of the Regulation as decrees have been given erroneously on agreements of rent (Ghugri) bearing no proportion whatever to the productive capacity of the land and the legal rate payable under this section by an exproprietary tenant

4 In exercising the discretion allowed to them by Section 54 a Court may reasonably and should as a rule refuse to order ejectment if the default is proved to be due to scanty produce sickness of the tenant deaths of cattle or other calamity beyond his control, also if it is shown that his produce has not been seized by attachments made by other creditors without any collusion on his part

The general condition of the agriculturists in whose interests the Land and Revenue Regulation was framed justifies the protection afforded by these limitations If any other appear to be called for, the Commissioner will use the discretion accorded to him by Section 52 before sanctioning an application for ejectment

Ejectment of Tenants

REPORT FOR SANCTION UNDER SECTION 52 OF THE AJMERE LAND AND REVENUE REGULATION, 1877, TO THE EJECTMENT OF AN EXPROPRIETARY TENANT FROM HIS LAND IN THE VILLAGE OF——— IN THE DISTRICT OF——— IN EXECUTION OF A DECREE PASSED BY THE COURT OF——— AT———

1	Name, caste and residence of decree holder	
2	Name, parentage, age and caste of exproprietary tenant for whose ejectment the application is made	
3	Number and date of decree under execution	
4	Amount due by the exproprietary tenant— (a)—Amount of decree, including costs of suit and appeal, if any (b) Costs of execution (c)—Amount paid by or recovered from, the expropriatary tenant, if any (d)—Total amount due to decree holder	
5	Date of application for execution of decree and remarks showing steps taken in aid of execution and whether the tenant had a full month's time to pay up	
6	For what harvests or year's rent decree was obtained? Is rent decreed legally claimable at the rate prescribed in Section 41 of Regulation or is it due under an agreement of Ghugri which is void under the said section?	
7	Amount so far as is known of any other unsatisfied decree against the same judgment debtor	
8	Description of land— (a)—Chahi (in Bighas) (b)—Talabi („) (c)—Barani („) (d)—Waste („) (e)—Total area (in Bighas) (f)—Trees (g)—Wells, nalis or other improvements	
9	Government Jama or revenue paid to Jagirdar or Istimrardar, as the case may be	
10	Causes of non-payment of rent	
11	Does the judgment debtor possess any other land? If so, how much, and where is it situate?	
12	Net annual income from the land and its estimated selling value so far as these can be stated approximately	
13	Executing Court	
14	Ground on which the executing Court determines to recommend ejectment	
15	Opinion of Assistant Commissioner	
16	Order of Commissioner	

CIRCULAR

No 1383 J.—*Dated Ajmere the 28th May* 1890

To—ALL JUDICIAL COURTS IN AJMERE MERWARA

In conformity with the orders of the Judicial Commissioner, Ajmere Merwara the attention of all Judicial Officers in these districts is directed to the provisions of Section 203 of the Code of Civil Procedure 1882

Unless the Lower Courts record in their Judgments the reason for the finding arrived at on the point or points for determination etc as required by Law the Appellate Courts cannot deal satisfactorily with appeals or applications for revision

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CIRCULAR ORDER

No 994 J.—*Dated 21st March* 1893

To—ALL JUDICIAL OFFICERS IN THE AJMERE MERWARA DISTRICT

Instances have been brought to notice from which it appears that the endorsements occasionally made by the Courts on the copies of decrees which are filed by decree holders with their applications for satisfaction are sometimes altered with a view to defraud It is hereby ordered that while there is no objection to receiving such copies as heretofore no endorsement shall be made on them in future by the Courts in Ajmere Merwara to indicate the amount of the decree due or recovered

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Procedure to be followed before framing of Issues

The following Circular of the Chief Court of Punjab was applied to Ajmere-Merwara by the Commissioner, vide Commissioner's endorsement No 3045 *dated* 1st *August* 1894

CHIEF COURT OF THE PUNJAB

BOOK CIRCULAR No III—2488 G

To—ALL CIVIL COURTS IN THE PUNJAB

Dated Lahore the 22nd May 1894

Subject

Directions as to the record of pleadings and the examination of the parties in Civil suits before issues are drawn

Notwithstanding the explicit nature of the provisons of Chapter IX of the Code of Civil Procedure and of the instructions given in paragraphs 26 to 32 (inclusive) of Judicial Circular No I of the volume of Judicial Circulars 3rd edition the Judges find that the Courts do not in all cases conduct a thorough examination of the parties before drawing issues

2 At the first hearing of a suit the first duty of the Court is to read over or cause to be read over, to the defendant or his pleader or agent, in a language that he understands the plaint paragraph by paragraph and to ask him whether he admits or denies each allegation of fact made therein The Court should record the defendant's admission or denial of each allegation of fact or any explanation in regard thereto which the defendant may desire to make When this has been done each party will be similarly called on to admit or deny each allegation of fact made in the written statement (if any) of the opposite party and the replies made will be recorded

The Court should then proceed to formally examine each party as to all matters in conflict between them until the points in dispute have been reduced to definite questions of fact and law

The examination of parties or of persons able to answer material questions not of pleaders, must be on oath or solemn affirmation, as provided in Section 147, Code of Civil Procedure A pleader, as such, has no authority to make allegations of fact not within his personal knowledge

3 When a question of law is raised the party raising it should be called upon to explain fully the grounds on which it is based and the provi-

sion of the law relied upon A bald plea that the suit is barred by limitation or that the claim or any matter in issue is *res judicata,*' or that Section 43 Civil Procedure Code, is a bar to it should not be accepted The party should be called upon to state all the facts necessary to establish the plea and also the specific provision of the law on which he relies In a plea intended to be under Section 13 or Section 43 Civil Procedure Code he must specify the suit or the suit and judgment upon which he relies in such a manner as to enable the same to be produced if necessary

4 In order to ensure due compliance with these instructions the Judges are pleased to prescribe four forms for recording the pleadings of the parties namely—

Form No CXVIII A —Sheet for the reply of the defendant to the plaint

Form No CXVIII B —Sheet for the record of the admission or denial of allegations contained in the written statement of parties

Form No CXVIII C —Sheet for the examination of the plaintiff or some person on his behalf

Form No CXVIII D —Sheet for the examination of the defendant or some person on his behalf

Where there are more defendants than one and the defence of all the defendants is not identical, each defendant having a distinct defence to put forward must be separately dealt with in regard to his reply both to the plaint and to the written statement of the plaintiff and in regard to his examination under Section 118 of the Code

5 Form No CXVIII E is also prescribed for recording the statements of the parties at the first hearing as to the documents to be produced by them under Section 138 of the Code

6 Appellate and Controlling Courts are required to see that these forms are invariably used and that the provisions of Sections 117 and 118 of the Code are carefully observed by all subordinate Courts

Procedure to be followed before framing of Issues

7 Attention is called to the instructions contained in paragraph 29 of Judicial Circular No I as to the framing of issues Whether the points in dispute be questions of fact or of law they should be clearly and definitely recorded in the form of a proposition to be decided by the Court If the pleadings are recorded as required by law and explained above the framing of correct and definite issues should not be a matter of difficulty It is only when the presiding Judge fails to make clear to his own mind what the actual points to be decided are that he is unable to record them in an intelligible manner

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FORM No CXVIII A

Sheet for the reply of the defendants to the plaint (Section 117 *of the Code of Civil Procedure)*

In the Court of____

____

at____________________

Civil Suit No *of* 189

____Plaintiff

Versus

____Defendant

In answer to the plaint the defendant (or his agent or pleader)__________ ______________________________states as follows —

(Here insert defendant's reply to each allegation of fact contained in the plaint paragraph by paragraph)

FORM No CXVIII B

Sheet for the record of the admission or denial of allegations of fact contained in written statements of parties (Section 117 *of the Code of Civil Procedure)*

In the Court of____

____

at____________________

Procedure to be followed before framing of Issues

Civil Suit No *of* 189 .

——————————————————————Plaintiff

Versus

——————————————————————Defendant.

In reply to the written statement of the——————the——————(or his agent or pleader)——————————states as follows —

(Here insert the reply made to each allegation of fact contained in the written statement, paragraph by paragraph)

FORM No CXVIII C

Sheet for the examination of the plaintiff or person able to answer material questions on his behalf (Sections 118 *and* 119, *Code of Civil Procedure)*

In the Court of——————————————————

——————————————————

at——————————

Civil Suit No *of* 189

——————————————————————Plaintiff

Versus

——————————————————————Defendant.

——————————————————————examined on (oath or) solemn affirmation states as follows —

FORM No CXVIII D

Sheet for the examination of the defendant or person able to answer material questions on his behalf (Sections 118 *and* 119, *Code of Civil Procedure)*

In the Court of——————————————————

——————————————————

at——— —

Procedure to be followed before framing of Issues

Civil Suit No   *of* 189

____Plaintiff

Versus

____Defendant

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examined on (oath or) solemn affirmation states as follows —

FORM No CXVIII E

Sheet for the examination of the parties as to the documents to be produced by them at the first hearing (Section 138 *Code of Civil Procedure)*

Questions put to the________________(or his agent or pleader) —

Q 1 Have you brought any documents with you for production ? If so produce them

A

Q 2 Have you any other documents to produce which are in your possession or power ? If so what ?

A

Q 3 Do you intend to rely upon any other documents ? If so what ?

A

Q 4 Have you already filed any documents ? If so what ?

A

FORMS OF REGISTERS (CIVIL)

The following forms of Registers (Civil) have been sanctioned by the Chief Commissioner Ajmere Merwara for use in the Courts in Ajmere Merwara under Section 652 of the Civil Procedure Code *vide* Notification No $\frac{148}{443}$ dated $\frac{\text{19th February 189 [a]}}{\text{3rd May 1895 [b]}}$

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[a] *Vide* Gazette of India for 1895 part II page 229 *et seq*
[b] page 8

Part II.

FORM NO 1—(CIVIL)

COURT OF THE   OF

Register of Civil Suits for the year 189

[NOTE.—In this register will be entered all suits *originally instituted* or received by transfer or on remand, review, or revival. A fresh serial number will be assigned to every suit originally instituted or received by transfer, and that number will be entered in column 3. In the case of a suit received on remand, review or revival, no fresh number will be assigned but the number and year of the original entry of such suit will be entered *in column 3*, a note of such remand, review, or revival being made against the original entry of the institution of the suit.]

Date of institution	How instituted, *i e*, (1) Originally instituted (2) *Received by transfer* (3) Remanded, Section 562 (4) On review, Section 626 (5) Revived, Sections 99, 103, 104, or 371.	of defendant	CAUSE OF ACTION	JUDGMENT: Date	JUDGMENT: For whom	JUDGMENT: For what or amount	APPEAL: Number and date of appeal	APPEAL: Date and purport of judgment in appeal	APPEAL FROM APPELLATE DECREE: Number and date of appeal	APPEAL FROM APPELLATE DECREE: Date and purport of judgment in appeal	EXECUTION: Number and date of application	EXECUTION: Date of order	EXECUTION: Against whom	EXECUTION: For what, and amount if any	…RY OF …TION: payment or arrest, and date of every return	REMARKS: Here note particulars of order under Sections 99, 103, 104, 371, and 562, and any order of review, or other similar order with a reference to any other register in which the suit may be entered
1	2	5	6	10	11	12	13	14	15	16	17	18	19	20	24	25

FORM No 2 —(CIVIL)

COURT OF THE OF .

Register of original suits disposed of during 189 .

[NOTE.—The entries in this register will be totalled monthly, quarterly and annually]

DATE OF DISPOSAL					NUMBER OF DAYS SUIT REMAINED PENDING		HOW DISPOSED OF														NUMBER OF WITNESSES				
								WITHOUT TRIAL.			WITHOUT CONTEST				ON REFERENCE TO ARBITRATION		WITH CONTEST								
Month	Date	Number of suits and names of parties	Value	Date of institution.	Contested	Uncontested	Transferred to other Courts.	Plaint rejected or returned	Dismissed for default or want of prosecution or withdrawn without leave	Withdrawn with leave	Compromised	Decreed on confession	Decreed *ex parte*	Dismissed *ex parte*	For plaintiff	For defendant	Judgment for plaintiff in whole or in part	Judgment for defendant	Not disposed of at first hearing for final disposal	Number of adjournments, if any	Summoned	Examined	Number of papers on the record	Signature of Record keeper, with date of receipt of file.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

FORM No 3—(CIVIL)

COURT OF THE   OF

Register showing the classification and value of suits instituted during the year 189

[NOTE—The entries in this Register will be totalled monthly, quarterly, and annually In this register will be entered only suits which have been newly instituted and admitted and registered (Section 58 of the Code of Civil Procedure) and not suits received by transfer or on remand, review, or revival.]

Number	Plaintiff	Defendant	Value	Suits for money or moveable property	Suits for immoveable property	Suits for specific relief	Suits to establish a right of pre emption	Mortgage suits	Suits relating to religious and other endowments	Matrimonial suits.	Testamentary suits	Other suits not falling under any of the previous heads	TOTAL	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

REGISTER No 4 —(CIVIL.)

COURT OF THE OF

Register of Miscellaneous cases for the year 189

	How instituted					Nature of case				Number of days case remained pending		How disposed of															
												Without trial		Without Contest				On reference on arbitration		With Contest		Appeal					
Date of institution	Whether originally instituted or received on remand, review, or revival	Whether received by transfer from another Court.	Number of case	Other case (if any) to which application refers	Name of parties	Cases specified below *	Other cases.	Date of disposal	Abstract of final order	Contested	Uncontested	…secution, or withdrawn without leave	Withdrawn with leave	Compromise	Granted on confession	Granted *ex parte*	Dismissed *ex parte*	For applicant	For opposite party	Judgment for applicant in whole or in part	Judgment for opposite party	Date of institution	Date of disposal	Judgment	Number of papers on record	Signature of Record keeper	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

* *Vide* on reverse

* The following cases will be entered in column 7, the other cases for which no special register has been provided being entered in column 8; no entries need be made in columns 11 to 27 against cases entered in column 8:—

As to the numbering of cases, see instructions appended to Register No. 1—

1 Orders rejecting or returning plaints or memoranda of appeal.

2 Applications under Sections 22 and 25, Civil Procedure Code, for transfer of suits or appeals.

3 Ditto Sections 9[illegible], 103, 108, 558 and 560, Civil Procedure Code.

4 Cases under Sections 232 and 244, Civil Procedure Code.

5 Ditto Section 258, Civil Procedure Code.

6 Claims to and objections to attachment of attached property under Sections 278 and 487, Civil Procedure Code.

7 Applications under Section 287 (C), Civil Procedure Code.

8 Ditto Sections 311, 315, Civil Procedure Code.

9 Ditto Sections 318 and 319.

10 Complaints under Sections 328 and 331, except cases falling under Section 331, which are to be treated as suits.

11 Applications under Section 332.

12 Ditto Section 335.

13 Ditto Section 344.

14 Applications by unscheduled creditors under Section 353.

15 Commissions under Section 386 received from other Courts and executed by the Court.

16 Application under Sections 401 and 592.

17 Ditto Section 623.

18 Miscellaneous Criminal Proceedings under Section 1[illegible]0 and 1[illegible]4, Civil Procedure Code, and Sections 195, 435, 4[illegible]1 and 4[illegible]4, Criminal Procedure Code.

19 Applications under Act VIII of 1890.

20 Ditto XXXV of 1858.

21 Ditto VII of 1889, Succession Certificate Act.

22 Ditto V of 1881.

23 Ditto X of 1865.

24 References under the Land Acquisition Act No. I of 1894.

25 Ditto Section 18, Ajmere Courts Regulation I of 1877.

26 Applications under Section 83 of Act IV of 1882.

27 Ditto Sections 87, 89, 90 and 93 of Act IV of 1882.

REGISTER No 5 —(CIVIL)

COURT OF THE   OF

Register of application for execution of decrees and orders for the year 189

[NOTE.— Oral applications under Section 256 are to be entered in this register Decrees and orders sent for execution by other Courts will not be entered unless after transferred an application has been made for execution under Section 230 or unless the decrees or orders have been sent by a Superior Court to a Subordinate Court for execution Applications under Section 223 simply for the transfer of decrees or orders to other Courts for execution are not applications for executions and will not be entered in this register As to the numbers of applications see instructions on Register No 1]

Date of application	How instituted			Number of application	Names of decree holder and judgment debtor	Number of case and date of decree or order sought to be executed	Amount, property, or other relief sought to be obtained by execution	Costs incurred after institution of application not included in column 8	Amount, property, or other relief *attained by execution*	Amount, property, or other relief not attained by execution	Date of disposal	REMARKS
	Whether application is for execution of a decree or order of the Court	Whether application is for execution of a decree or order of another Court received by transfer	Whether the application has been restored to the file for any cause									
1	2	3	4	5	6	7	8	9	10	11	12	13

REGISTER No 6 —(CIVIL)

COURT OF THE OF

Register of disposal of applications for execution of decrees and orders during the year 189

[NOTE —The entries in this register will be totalled monthly, quarterly, and annually]

Date of Disposal.									Amount realized				Whether the judgment debtor's other moveable property		Whether the judgment debtor's immoveable property				Whether possession was given					
Month	Day	Number of applications and names of parties	Whether decree or order was transferred [illegible]	Whether the application was wholly in [illegible]	Whether satisfaction was obtained in full	What [illegible]	Whether satisfaction was made through [illegible] Court	Whether adjustment was made under [illegible]	With the issue of process	Without the issue of process	Whether the judgment debtor was [illegible]	[illegible] 268	Was sold	Was attached but subsequently released under [illegible]	Was sold	Was d[illegible] with under Section 305	Was [illegible] but subsequently released under Section 2[illegible]5	Whether specific performance was enforced	On moveables Section 259	Of immoveables, Sections 263 and 264	Whether execution was affected otherwise than in preceding columns and if so how	Number of papers on the record	Record keeper's signature	Remarks.
1	2	3	4	5	6	7	8	9	12	13	14	16	17	18	19	20	21	22	23	24	25	26	27	28

REGISTER No 7—(CIVIL)

COURT OF THE OF

Insolvency Register for the year 189

n and	Whether filed in Court or received by transfer	If filed in Court by whom			Date of disposal	How disposed of							Number of persons declared insolvent	Persons discharged				Amount of creditors claims dealt with		Gross amount of insolvents' assets realized and disbursed		Remarks
		By judgment debtor				Transfer	Withdrawn or otherwise not prosecuted	Granted		Rejected				Under Section 351		Under Section 355						
		Under arrest or imprisonment	Not under arrest or imprisonment	By decree holder				A receiver being appointed	A receiver not being appointed	Penal proceedings under Section 359 not being taken	Sentence of imprisonment being passed under Section 359	Applicant being sent to the Magistrate to be dealt with		Date	Number	Date	Number	Admitted	Satisfied.	Realized	Disbursed	
	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

REGISTER No 8—(CIVIL)

COURT OF THE OF

Register of Insolvents estates in the hands of Receivers during the year 189

Date of appointment and name of receiver	Number of case in miscellaneous register	Name of applicant	Number of estates placed in charge of receiver	Amount of creditors claims		Amount of assets realized		Disbursements						Remarks
								Remuneration of receiver		Charges other than creditors claims		Creditors claim		
				Admitted	Disallowed	Date	Amount	Date	Amount	Date	Amount	Date	Amount	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

REGISTER No 11 —(CIVIL)

COURT OF THE OF

Register of Appeals from Decrees disposed of during the year 189

[NOTE.—The entries in this register will be totalled monthly, quarterly, and annually]

Date of disposal		Number of appeal and names of parties	Value of appeal.	Date of institution	Number of days appeal remained pending	How disposed of											Whether objection under Section 561 was preferred	Number of papers on the record	Signature of Record keeper	Remarks
									Heard *ex parte*				Contested							
Month.	Date					Transferred to other Courts	Summarily rejected, Section 551	Dismissed for default Sections 556 and 557, or otherwise not prosecuted	Confirmed	Modified	Reversed	Remanded under Section 562	Confirmed	Modified	Reversed	Remanded under Section 562				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

REGISTER No 12.—(CIVIL.)

COURT OF THE OF

Register of Miscellaneous Appeals for the year 189

[N B.—In this register will be entered all appeals originally instituted or received by transfer or on remand, review, or revival. A fresh serial number will be assigned to every appeal originally instituted or received by transfer, and that number will be entered in column 7. In the case of an appeal received on remand, review or revival, no fresh number will be assigned, but the number and year of the original entry of such appeal will be entered in column 7, a note of such remand, review or revival being made against the original entry of the institution of the appeal.]

Date of institution	How instituted					Number of appeal	Name of appellant, with description and place of abode	Name of respondent, with description and place of abode	Order appealed from			...ing	How disposed of											Whether objection under Section 561 was preferred	Remarks
	Originally instituted	Received by transfer	Remanded Section 562	Reviewed Section 626	Revived Sections 558 and 560				Of what Court	Number of case in which order was passed	Particulars		Transferred to other Courts	Summarily rejected Section 551	Dismissed for default Sections 556, 557 or otherwise not prosecuted	Heard *ex parte*				Contested					
																Confirmed	Modified	Reversed	Remanded under Section 562	Confirmed	Modified	Reversed	Remanded under Section 562		
1	2	3	4	5	6	7	8	9	10	11	12	16	17	18	19	20	21	22	23	24	25	26	27	28	29

Forms of Registers.

REGISTER No. [illegible] (CIVIL.)

COURT OF THE [illegible]

A [illegible] of returned documents for the year 18[illegible]

Column	Heading
1	Serial No.
2	Number and description of case
3	Names of parties
4	Description of document, with date
5	Name of party producing document
6	Date when document was filed
7	Date of order for return
8	Date of actual return
9	Signature of officer [illegible]
10	Name of party [illegible]
11	Signature of [illegible]
12	Signature of official making [illegible]
13	Whether any copy kept
14	REMARKS.

REGISTER No 14.—(CIVIL.)

Register of witnesses attending in Civil Cases

Serial No.	Date of arrival	Witness			Name of case	Date of examination	Date of discharge	Number of days detained									Amount paid to witness for expenses	When and by whom paid	Remarks
		Name	Class.	Whether summoned through Court or not				One day	Two days	Three days	Four days								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

No 13 —(CIVIL)

Certificate of refund

PART I

1 Number

2 Date (being date of certificate being signed by Presiding Judge)

3 Number of case and names of parties

4 Amount of fees paid into Court

5 Date of application for refund

6 Amount to be refunded

7 Date of order directing refund

8 Date on which certificate is made over to the payee

9 Name of payee

10 Signature of payee

11 Signature of person, if any, identifying payee.

Of Circular Order or section of [illegible] under which refund is to be [illegible] Judge)

PART II

Certificate of refund of court fees						
Name of Court	Number	Date	Amount: To be refunded	Amount: To be paid	Name of person to whom the refund or payment should be made	Remarks
1	2	3	4	5	6	7
						(Here enter amount to be refunded or paid, in words)

PART III

Advice of refund (to be sent back to the Court issuing certificate)				
Name of Court	Number and date of certificate	Amount: Refunded	Amount: Paid	Date of refund or payment
1	2	3	4	5

Presiding Judge

Officer in charge of Treasury or Sub Treasury

REVENUE

No 16 —(Civil and Criminal.)

Register of Court fees

Date	Ad valorem fees					Fixed fees					Process fees			Total	Refunds under Sections 10, 13 14 15 of the Court Fees Act or under Financial Department Notification No 4 50, dated 10th September 1889	Remarks
	Plaints	Appeals	Reviews	Copies and translations	Certificates, probates and letters of administration	Plaints	Appeals	Other documents			Civil	Criminal	Revenue			
								Civil	Criminal	Revenue						
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

No. 17

Register of Stamp Duty and Penalties levied in the Court of

Number	Names of parties	Date of order	Name of party paying duty and penalty	Description of instrument with date of execution	Amount of duty levied	Amount of penalty levied	Total of columns 6 and 7	Initials of Nazir	Date of realiza-tion	Remarks
1	2	3	4	5	6	7	8	9	10	11

REGISTER No 18 – (CIVIL)

Memorandum book of dates of cases for hearing before the Court of

Month	Day.	Number of case	Names of parties	Names of Vakils or Mukhtars, if any	Description of case	Value	Purpose for which case set down for hearing	REMARKS
1	2	3	4	5	6	7	8	9

REGISTER No. 19

Register of property attached in execution of decrees or orders of the Court of   *for the year 189*

Serial No.	Number of execution case or other proceeding	Name of party applying for execution	Name of party against whom execution is applied for	*Name of Court passing the decree* under execution, with its date and number	Claim for which attachment is sought, with date and abstract of order of Court directing attachment	Name of nazir attaching	Date of receipt	Attached property whether					In whose possession the property is kept	Date and abstract of orders of Court as to disposal of property	Amount realized by sale or otherwise, if any	Nazir's commission on sale proceeds	Net amount for disbursement	Date of disposal	How disposed of	Signature of recipient, or if he be illiterate, signatures of two witnesses	Reference to civil deposit receipt and refund registers	Remarks
									Moveable		Immoveable											
								Cash	Particulars	Estimated value	Particulars	Estimated value										
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

PROCEDURE—CRIMINAL.

[1] No 1203.—*Fort William, the 23rd September* 1874

In exercise of the powers conferred by the *twenty eighth* of Victoria, Cap *fifteen* Section *three*, the Governor General is pleased to make the following orders —

I Original and Appellate criminal jurisdiction shall be hereafter exercised over European British subjects of Her Majesty, by the several High Courts established at Madras and Bombay, and in the North Western Provinces of India respectively as below provided,—

By the High Court at Madras in—

* * * * * *

By the High Court at Bombay in—

* * * * * *

By the High Court of the North-Western Provinces in—

* * * * * *

Ajmere and British Merwara

[2] No 178 J.—*Fort William, the 23rd September* 1874

With reference to Notification No 1203 of this date, in the Home Department, the Governor General in Council is pleased, in the exercise of the powers conferred by the 28th Victoria, Cap 15 Section 3 to make the following orders —

Original and Appellate criminal jurisdiction over European British subjects of Her Majesty, being Christians, resident in the Native States Territories and Chiefships, below named shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at * * * and in the North Western Provinces, respectively as follows —

IV By the High Court of the North-Western Provinces in—

* * * * * *

The Merwara Parganas belonging to Meywar and Marwar

[1] Gazette of India dated 26th September 1874 part I page 481

[2] Gazette of India, dated 26th September 1874, part I, page 485.

Police Stations

[1] No 308.—*Mount Abu, the 23rd April* 1883

Under the provisions of Section 4, clause (0) of Act X of 1882,[2] the Chief Commissioner of Ajmere-Merwara is pleased to declare the following posts to be Police Stations for the purposes of the Act, and that they shall include the local area now attached to them, subject to such notifications as may hereafter be made by the Local Government

Police Circle	District	Names of Police Stations	Names of out posts	Remarks
Ajmere and Merwara	Ajmere	*First Class*		
		Ajmere	Saradhna	City of Ajmere
			Delhi Gate	City of Ajmere
			Agra Gate	City of Ajmere
			Tripolia Gate	City of Ajmere
			Usri Gate	City of Ajmere
			Madar Gate	City of Ajmere
		City Extension	Serai	City of Ajmere
		Second Class		
		Railway Workshops	Lohagal	Suburbs.
			Madar Hill	Suburbs.
		First Class		
		Nusseerabad	Danta	
		Mungahawas	Kharwa	
		Bhinai	Bandawara	
		Goela	Shokla	
		Kekree		
		Second Class		
		Pisangan.	Nagelao	
		Ghegal	Harmara.	
		Srinagar		
		Sawar	Deoli	
		Masuda	Sathana	
		Pushkar	Nand	
	Merwara	*First Class*		
		Todgurh		
		Jassakhera	Barakhan	
			Kheriadi	
			Rupnagar	
			Sendra	
		Beawar	Ajmere Gate	City of Beawar
			Suraj Pole Gate	City of Beawar
			Marwari Gate,	City of Beawar
			Chang,	City of Beawar
		Second Class		
		Dewair	Bagana.	
		Jawaja	Bar	

[1] *Vide* Gazette of India, dated 28th April 1883, part II, page 252

[2] Repealed by Act V of 1898

[1] No 1110 269—*Abu the 24th September* 1886

The officers holding the appointments of Assistant Commissioners of Ajmere and Merwara being Magistrates of the 1st Class are invested with the powers of a Magistrate of the District for the purposes of Act X of 1882 (Criminal Procedure Code) [a] within their respective jurisdictions with effect from the 18th September 1886

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[2] No 877—*Mount Abu the 15th August* 1885

Under Sections 12 and 37 of Act X of 1882 (Criminal Procedure Code) [a] the Chief Commissioner of Ajmere Merwara is pleased to invest the Assistant General Superintendent (for the time being) of Operations for the Suppression of Thuggee and Dacoity in the Upper Rajputana Sub Agency with the powers of a Magistrate of the 3rd Class and with the powers described in Section 206 of the said Act to be exercised within the Ajmere Merwara District

---

[3] No 259 of 1890—*Dated Abu 19th March* 1890

Under Section 68 of Act X of 1882 (Code of Criminal Procedure) [a] the Chief Commissioner of Ajmere Merwara is pleased to invest the Sheristedars Readers or Senior Clerks of the following Courts with power to sign all Summonses issuing from such Courts under the Code of Criminal Procedure —

1 The District Magistrate of Ajmere and Merwara

2 The Judicial Assistant Commissioner of Ajmere

3 The Extra Assistant Commissioner of Ajmere

4 The Cantonment Magistrate of Nusseerabad

5 The Deputy Magistrate of Kekri

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[1] See Gazette of India part II for 1886, page 600

[2] " " for 1885 page [illegible]

[3] " " for 1890 page [illegible]

[a] Repealed by Act V of 1898

Procedure—Criminal.]
Section 191 of C P C
Payment of Expenses to Jurors, &c

[1] No 83 —*Dated Abu, 23rd January 1890*

Under the provisions of Section 191 of Act X of 1882 (the Code of Criminal Procedure) [a] the Chief Commissioner of Ajmere Merwara is pleased to authorize the District Magistrates of Ajmere and Merwara generally to empower any Magistrate of the first or second class subordinate to them to take cognizance, under clause (*a*) or clause (*b*) of Section 191 of Act X of 1882, of offences which such Magistrate may try or commit for trial

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RULES FOR THE PAYMENT OF EXPENSES TO JURORS AND ASSESSORS SUMMONED TO ATTEND AT CRIMINAL TRIALS.

The following Rules having received the sanction of the Government of India in Financial Secretary's letter No 390, dated 26th October 1877, are published for general information —

I —Every person summoned as a Juror or Assessor to attend the Sessions Court in Ajmere and Merwara shall if his residence be more than five miles distant from the Court to which he is summoned be entitled to his *bona fide* travelling expenses such travelling expenses not to exceed the railway fare to and from the Court when the person summoned can perform the journey by rail

II —Every person summoned as a Juror or Assessor shall if detained by the Court for more than one day, be entitled to subsistence allowance for the whole term of his attendance at Court, such subsistence allowance not to exceed *Rs 5 per diem*

III —In every case in which a person is summoned as a Juror or Assessor, the Court at which his attendance is required shall if he is entitled to travelling allowance under Rule I, determine the class by Rail which he is entitled by reason of his rank or position to make use of or in the event of his being unable to travel by rail the *bona fide* travelling expenses which he has incurred coming to Court and must incur on his journey homewards and shall also determine the rate *per diem* at which subsistence allowance is to be granted under Rule II

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[1] Gazette of India, part II for 1890 page 55
[a] Repealed by Act V of 1898

[1] No 4148-I —*Simla, the 13th November* 1884

Under Section 320, clause *k* of the Criminal Procedure Code (Act X of 1882), [a] the Governor-General in Council is pleased to exempt the following Officials employed upon the Rajputana-Malwa Railway, from service as Jurors or Assessors in Criminal trials held in any Court in Rajputana

(1) The Manager
(2) Engineers in charge of the line
(3) Engineering Inspectors employed on the line
(4) Locomotive Foremen, or Drivers in charge of changing Stations
(5) Drivers of Pilot Engines
(6) District and Assistant Superintendents of Locomotive Department
(7) District Superintendents of Traffic.
(8) Assistant Superintendents of Traffic
(9) Station Masters
(10) Guards

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[2] No 1093-I —*Dated the 29th March* 1893

In exercise of the power conferred by Section 495 of the Code of Criminal Procedure, 1882 (as amended by Section 13 of Act X of 1886) [a] and with the previous sanction of the Governor General in Council the Chief Commissioner of Ajmere-Merwara is pleased to prescribe the rank of Sub Inspector as the lowest rank of Police Officers who may be permitted by a Magistrate to conduct a prosecution

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[3] No 804 127 —*Dated Abu, the 29th July* 1886

In exercise of powers conferred by Section 544 of the Code of Criminal Procedure, [a] the Chief Commissioner of Ajmere Merwara is pleased with the previous sanction of the Governor-General in Council to make the following Rules relating to the payment of the expenses of complainants and witnesses attending the Criminal Courts of Ajmere Merwara for the purposes of inquiries, trials, or other proceedings under the said Code —

[1] Gazette of India for 1884, part I, page 400
[2] Government of India Gazette part I, 1st April 1893, page 182
[3] Gazette of India, dated 7th August 1886 part II, page 474
[a] Repealed by Act V of 1898

Payment of Expenses to Witnesses

1 The Courts are authorised to pay at the rates specified below the expenses of complainants and witnesses—first in all cases whether non bailable or bailable in which the prosecution is instituted or carried on by or under the orders of or with the sanction of Government or of any Judge Magistrate or other public officer secondly in all cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure as not bailable when it shall appear to the presiding officer to be directly in furtherance of the interests of public justice thirdly in bailable cases in which the presiding officer of the Court if a Magistrate of the 1st Class or the District Magistrate on the recommendation of any Magistrate of the 2nd or 3rd Class considers that in the interests of public justice such payment is required fourthly in all cases in which the witnesses are compelled to attend by the Court under the provisions of Section 540 of the Code No payment shall be made by the Government to witnesses summoned at the instance of the complainant under Section 244 unless the prosecution appears to the Court to be in furtherance of the interests of public justice

2 The rates referred to in the foregoing rule are as follows —

(a) For the ordinary laboring class of natives two annas per diem

(b) For natives of higher rank in life four annas per diem

(c.) For Europeans and Eurasians, and natives of superior rank a diet allowance according to circumstances Such allowance shall not generally exceed Rs 3 per diem but the Court shall have discretion in special cases to fix it at a higher rate

3 Travelling expenses will be given only when the journey could not with reasonable ease and expedition, have been performed on foot or in the case of persons whose age position and habits of life render it impossible for them to walk In such cases in addition to diet allowance travelling allowance shall be given at the following rates —

(a) When the journey is by rapid dak by road the actual expenses incurred up to a maximum limit of four annas a mile

(b) Where the journey is wholly or partly by rail—

(1) For natives generally railway fare by the lowest class

(2) For Europeans Eurasians and natives of superior rank second class railway fare, but the Court may at its discretion award

first class fare when the persons concerned would from their social position ordinarily travel by the first class

4 From the above rules are excepted—

(*a*) Government servants who shall receive no diet allowance, but shall be entitled to travelling allowance according to the rates admissible under the Civil Travelling Allowance Code

(*b*) Witnesses following any profession such as medicine or law who shall receive an allowance not exceeding Rs 5 per diem according to circumstances, and when they have to travel a distance exceeding five miles their actual expenses for conveyance (not exceeding eight annas a mile) or first class railway fare The number of days which should be allowed for the journey to and fro will be determined by the Court ordering the payment in each case For this purpose a table should be prepared and kept in each Court, showing the distance of each 'thána' from the Sudder Station and subordinate stations the number of intermediate ferries to be crossed and the existence or absence of roads or waterways

MEDICAL OFFICER

Government of India [Department of Finance and Commerce] Resolution No 3030 dated the 11th August 188_

5 A Medical Officer other than a Civil Surgeon or officer in Medical charge of the Civil Station summoned to give evidence in a Criminal Court touching the result of a post mortem or other examination conducted by him in cases not falling within the ordinary discharge of his duties will not be entitled to any remuneration other than the usual expenses paid to a witness

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[1] No 901-127 —*The 1st August* 1887

In continuation of this Office Notification No 604-127 dated 29th July 1886, and in supersession of the Notification No. 173 127, dated the 23rd February 1887 the Chief Commissioner of Ajmere Merwara is pleased to issue the following supplementary orders regarding the record and payment of expenses of complainants and witnesses in criminal cases in the district of Ajmere-Merwara —

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[1] Gazette of India for 1887 part I, page 4 4

Procedure—Criminal]

Payment of Expenses to Witnesses

1 A register in the following form will be kept up in Courts of Magistrates by the departmental clerk, and in the Court of Session by the Deputy Sheriff attached to that Court —

Register of Expenses of Complainants and Witnesses

Serial Number	Number of Case	Name of Complainant	Name of Witnesses	Rate that is (a) (b) of (c) paragraph 2 of Chief Commissioner's Notification No 804 127 dated 29th July 1886	Residence	Number of days allowed for journey to and from Court	For how many days retained at Court	Total of columns 7 and 8	Diet allowance	Travelling expenses	Total of columns 10 and 11	Initials of officer before whom paid	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

2 In the Courts of Magistrates attached to the head quarters of a district the following procedure will be observed in the payment of diet allowance and travelling expenses to complainants and witnesses —

At the conclusion of an enquiry or trial or of the examination of a witness or at the close of the day as the Court having regard to the circumstances of the case before it may direct the departmental clerk will take the orders of the Court as to the payment of diet allowance and travelling expenses the rates at which payments are to be made and the number of days to be allowed for journeys to and from the Court and will then prepare a statement in the form annexed The Court after satisfying itself that the statement has been correctly prepared shall there and then in open Court cause the Nazir of the Court to pay to each complainant or witness the amount shown in the statement as due to him As soon as the money is paid the presiding officer of the Court will endorse on the statement prepared by the departmental clerk a certificate that the money has been paid in his presence and make the document over to the Nazir as a voucher in

support of the disbursement No separate receipt will be taken from any complainant or witness to whom a payment is made, but his signature or mark will be taken in column 10 of the statement The statement referred to above shall be forwarded as soon as practicable to the District Magistrate under whose orders the amount shown therein as due shall be included in the contingent bill

3 The procedure prescribed in the last preceding rule will be observed so far as it can be made applicable in Courts of Sessions and in Courts of Magistrates who are in camp or who are not attached to the head quarters of a district

STATEMENT

NAME.	Rate.	Residence	Number of days allowed for journey to and from Court	For how many days detained at Court	Total of columns 4 and 5	Diet allowance	Travelling Expenses	Total of columns 7 and 8	Signature or mark of payee
1	2	3	4	5	6	7	8	9	10

Witness

ENDORSEMENT

In the Court of the

The of 18

CASE No OF 18

Queen Empress

Versus

Charged under Section

Paid in my presence to the persons noted on the reverse the sum of Rs. ( ) on account of expenses of complainants and witnesses.

Magistrate

Procedure—Criminal]

Section 549 C P C

[1] No 1222 —*Simla the 27th July* 1887

The following Rules have been made by the Governor General in Council, under Section 549 of the Code of Criminal Procedure respecting the delivery to the military authorities of persons charged with offences under Section 41 of the Army Act 1881 for which they are liable to be tried by Court martial held under that Act

I (1) When a person subject to military law is accused of an offence for which he is liable under the Army Act 1881 Section 41 to be tried by a Court martial a Magistrate shall not proceed to try him or to issue an order for his trial by jury or to hold an inquiry into the case as a case triable by the Court of Session or the High Court unless he is moved to do so by the military authorities or is of opinion for reasons to be recorded in writing that he ought so to proceed without being moved thereto by those authorities

(2) When the Magistrate is of opinion that he ought so to proceed without being moved thereto by the military authorities he shall give notice of his intention to do so to an officer to whose command the accused person is subject and shall not till the expiration of fifteen days from the date of the service of the notice on the Officer—

(*a*)—In a summons case acquit or convict the accused under Section 243 Section 245 Section 247 or Section 248 of the Code of Criminal Procedure or hear him in his defence under Section 244 of the Code or

(*b*)—In a warrant case frame a charge against the accused under Section 254 of the Code or

(*c*)—Issue an order for the trial of the accused by a jury under Section *451 A Sub section (2) of the Code* or

(*d*)—Make an order committing the accused for trial by the Court of Session or the High Court under Section 213 or Section 214 of the Code

(3) If within the fifteen days or at any time thereafter before the Magistrate has done or made an act or order specified in clause (2) sub clause (*a*) sub clause (*b*) sub clause (*c*) or sub clause (*d*) of this Rule an officer to whose command the accused is subject notifies to the Magistrate that in the opinion of the military authorities the accused should be tried by a Court-

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[1] Gazette of India for 1887 part I page 387

martial the Magistrate shall stay the proceedings before himself and if the accused is in his power deliver him together with the statement mentioned in Section 549 of the Code to the authority prescribed in that Section

II If after a Magistrate has been moved by the military authorities to proceed against a person subject to military law for an offence for which that person is liable under the Army Act 1881 Section 41 to be tried by Court martial an officer to whose command the person is subject notifies to the Magistrate that in the opinion of the Military authorities the accused should be tried by a Court martial the Magistrate if he has not before receiving the notice done or made an act or order specified in clause (2) sub clause (*a*) sub clause (*b*) sub clause (*c*) or sub clause (*d*) of Rule I shall stay the proceedings before himself and if the accused is in his power deliver him together with the statement mentioned in Section 549 of the Code to the authority prescribed in that section

III If a person who has been delivered by a Magistrate to a commanding officer under Rule I clause (3) or under Rule II for the purpose of being tried by Court martial is not brought to trial before a Court martial for the offence of which he is accused or effectual proceedings have not been taken or have not been ordered to be taken against him the Magistrate shall report the circumstance—

(*a*)—In cases occurring within the territories adm[illegible] by the Governor of Fort St George in Council [illegible] by the G[illegible] in Council for the information and [illegible] of the Governor in Council of Fort St George or of Bombay as the [illegible]

(*b*—In other cases through the Local Government for the information and orders of the Governor General in Council

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[1] No 739 I —*Dated 4th March 1885*

In exercise of the powers conferred by Section 41 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act 1879) and [illegible] all other powers enabling him in this behalf the Governor General is pleased to invest the Assistant General Superintendent (for the time being) of Operations for the Suppression of Thuggee and Dacoity in the Upper Rajputana Sub Agency with the powers of a Magistrate of the 3rd Class under Section 12 and 37 of Act X of 1882 and with the powers described in Section 20[illegible] of the said Act to commit persons for trial to the Court of Session [illegible] by such Court

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[1] [illegible] Gazette of India part I [illegible]

List of Ry Officers through whom Summonses, &c, served

[1] No 16-J—*Fort William, dated the 4th February* 1876

In continuation of Notification No 2199-G [2] dated 11th October 1872, and in exercise of the power conferred by Sections 4 and 5 of "the Foreign Jurisdiction and Extradition Act 1879," the Governor-General in Council is pleased to notify that in virtue of arrangements made with the Maharaja of Jeypur in that behalf, he the said Governor-General in Council now possesses and hereby delegates to the Court of Session constituted by the said Notification power to summon any male European British subject (as defined in the Code of Criminal Procedure) between the ages of twenty-one and sixty years, and residing in any part of the territory of Jeypur, to serve as an assessor on any trial before the said Court

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List of Railway Officers through whom Summonses and attachment orders should be served on Railway Subordinate, 1894

DEPARTMENT	Office through which Summonses to be served	Office through which attachment orders should be served
Management	Nil	Agent, Bombay
Audit and Accounts	Assistant and Coaching Division, Ajmere	Chief Auditor and Acctt, Bombay
Engineering	Engineer in Chief, Ajmere	Engineer in chief Ajmere
Traffic	Traffic Supdt, Ajmere	Traffic Supt, Ajmere
Locomotive .	Locomotive Suprintendent, Ajmere	Locomotive Supt, Ajmere
Carriage and Wagon	Carriage and Wagon Superintendent, Ajmere	Carriage and Wagon Supt, Ajmere
Stores ..	Deputy Storekeeper, Ajmere	Chief Storekeeper, Bombay
Medical	Chief Medical Officer, Bombay	Chief Medical Officer, Bombay
Police ..	*Assistant Inspector General* R M Ry Police, Ajmere	*Assistant Inspector General* R M Ry Police, Ajmere

[1] Gazette of India for 1876, part I, page 72

[2] Notification No 2199 G, dated 11th October 1872, was superseded by Notification No 1461 J, dated 20th September 1880, which was superseded by Notification No 1008 I, dated 18th March 1881

No 1397 *of* 1878 —*Dated Ajmere the 7th December* 1878

From—THE SESSION JUDGE AND COMMISSIONER AJMERE MERWARA

To—ALL CRIMINAL COURTS IN AJMERE MERWARA

It has been observed that it is the almost universal practice in all Criminal Courts to take down examinations of accused persons in what passes for Urdu instead of in the language in which they are given

2 Comparing the provisions of the two parts of Chapter XXV of the Code of Criminal Procedure and especially Sections 334 and 335 with Section 346 it seems clear that the Code contemplates the statement of an accused person being whenever practicable recorded in the language in which it is given and not in the language in ordinary use in the district in which the Court is held (as determined by the Local Government under Section 377) or in English or in the vernacular language of the Sessions Judge or Magistrate when such language is not identical with the language in ordinary use

3 The Court accordingly considers it expedient to issue the following instructions for the guidance of the Criminal Courts subordinate to its authority —

(*a*) Statements of accused persons recorded under Sections 346 and 122 of the Criminal Procedure Code must whenever practicable be recorded in the language in which they are made

(*b*) —When such language is not the language in ordinary use in the district in which the Court is held as determined by the Local Government under Section 337 Criminal Procedure Code or the language prescribed by an order under Section 335 Criminal Procedure Code the record of the statement must in all appealable cases be translated into the language of the district or into English where the Sessions Judge or Magistrate ordinarily writes his proceedings in English and such translations must be authenticated by the signature of the translator and also of the Judge and or Magistrate before whom the statement is made.

Sections 334 335, 346 337 122 of Act X of 1872 correspond with Sections [illegible] 357 364 and 358 and 164 of Act V of 1898 (Criminal Procedure Code)

Procedure—Criminal]

Infliction of Punishment of Whipping by Criminal Courts

From—THE FIRST ASSISTANT TO THE CHIEF COMMISSIONER AJMERE-MERWARA

To—THE COMMISSIONER AND SESSIONS JUDGE AJMERE MERWARA

No 669 —*Dated the 25th August* 1882

In reply to your letter No 482 J dated the 5th August 1882 I am directed to convey the sanction of the Officiating Chief Commissioner to the extension to the Ajmere Merwara district of Punjab Chief Court Book Circular No VIII 1660 dated 25th May 1882 on the subject of the infliction of the punishment of whipping by Criminal Courts

The Punjab Chief Court Book Circular No VIII 1660 —*Dated 25th May* 1882

In communicating to the Criminal Courts of the Province the accompanying Resolution of the Government of India on the subject of the infliction of the punishment of whipping by Criminal Courts the Judges by the desire of the Local Government invite special attention to the following points —

(1) That persons in a respectable position of life should not ordinarily be whipped

(2) That the punishment should only be inflicted in cases of false evidence extortion and forgery under very exceptional circumstances

(3) That whipping as an additional punishment should only be ordered when a further deterrent appears to be really called for in the interests of justice

(4) That special care and judgment should be exercised in times of agricultural scarcity and distress

2 It will be observed that the amendments proposed in paragraph 2 of the Resolution have since been enacted in Sections 32 390 392 and 393 of the new Code of Criminal Procedure which will come into force on the 1st January 1883

Not later than the 1st October next Deputy Commissioners should submit through Commissioners of Divisions the names of the Magistrates of the second class who they consider should be specially empowered under Section 32 to pass sentences of whipping It seems desirable that Tahsildars in charge of outlying tahsils should be given the power provided that the discretion of the officer can be relied on

Preparation of Descriptive Rolls of Prisoners

With reference to Section 390 it should be noted that from the 1st January next it will be necessary, when a sentence of whipping is passed for the Court to specify the time and place of execution and in this connection it must be remembered that the punishment is never to be inflicted in public, or in front of the Court House but in some walled enclosure (paragraph 3 of Judicial Circular LII)

The provisions of Section 392 which give effect to the third amendment proposed by the Government of India are in keeping with paragraphs 1 and 2 of Judicial Circular LII

Clause (c) of Section 393 imposes a new restriction which should be specially noted

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CIRCULAR MEMO

No 142 J —*Dated 25th March 1886*

To—ALL CRIMINAL COURTS IN THE AJMERE MERWARA DISTRICT DISTRICT SUPERINTENDENT OF POLICE AND SUPERINTENDENT OF JAIL AJMERE

According to the existing practice in this District the Descriptive Roll of each person sent up by the Police is embodied in the charge sheet but as it is always incomplete and its entries are admittedly made in a perfunctory manner it can hardly be relied upon as a safe guide for the future recognition of the prisoner by the Police who have therefore to depend on the description given of him in the Jail Register

With a view to ensuring the proper recognition of re convicted prisoners the following instructions are issued —

1 In future the Police should take special care with the preparation of the Descriptive Rolls of prisoners To ensure a complete description being given the particulars specified below should be given on the back of the charge sheet and it shall be the duty of the Police Officer concerned to see that they *are correctly entered*

1	2	3	4	5	6	7	8	9
Name of Accused	Parentage	Caste	Residence	Age	Height	Complexion	Distinctive Marks	REMARKS

2 In the event of any prisoner being convicted the particulars given in columns 4 5 6 7 and 8 above should be noted at the foot of the warrant of commitment to prison and signed by the Magistrate After this they can be copied into the Jail Register

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CIRCULAR MEMO

No 156 G *of* 1887 —*Dated Ajmere the* 10*th February* 1887

To—ALL CIVIL AND CRIMINAL COURTS IN AJMERE MERWARA

It has been brought to my notice that in many instances sufficient time is not allowed for service of summonses forwarded for service in Native States The attention of the Subordinate Courts is therefore invited to the necessity of allowing ample time in all such cases As a rule it would be well for Courts issuing such summonses to allow a period of six weeks or two months for their service

In respect to cases shown in the monthly statements as pending for more than two months it would be well for the Court concerned to note either on the statement or in a memo attached that the delay in a certain number of such cases (the number to be specified) is due to summonses served on persons resident in Native States not having been returned in time

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CIRCULAR MEMO

No 144 P —*Dated* 23*rd June* 1887

As the instructions contained in the subjoined Resolution of the Government of India apply to Ajmere Merwara being part of British India and as copies of the Resolution have not been forwarded to this office and are not obtainable it is hereby reprinted and circulated for the information and guidance of officers in these districts

No $\frac{27}{1801-14}$

Extract from the Proceedings of the Government of India in the Home Department (Judicial), under date Calcutta, the 14th December 1886

READ again—

Home Department Resolution No 4—254 64, dated the 25th February 1885 on the subject of the recognition of reconvicted prisoners and the definition of the term habitual criminal '

Read also the replies to the above-mentioned Resolution, namely —

Letter from the Government of Madras No 2164 dated 19th August 1885

Letter from the Government of Bombay No 5808, dated 17th August 1885

Letter from the Government of Bengal, No 1669 P, dated 16th August 1886

Letter from the Government of North Western Provinces and Oudh No 1072—VI 144 6 dated 19th June 1885

Letter from the Government of the Punjab No 1463 S, dated 24th September 1885

Letter from the Chief Commissioner of the Central Provinces, No 3358 41, dated 8th September 1885

Letter from the Chief Commissioner of British Burma No 273—36-J, dated 10th July 1885

Letter from the Chief Commissioner of Assam, No 813 dated 22nd May 1885

Letter from the Chief Commissioner of Coorg No 139—1-20, dated 23rd April 1885

Letter from the Resident at Hyderabad, No 180 G dated 18th May 1885

Procedure—Criminal]

Recognition and Classification of Habitual Criminals

RESOLUTION

In the Resolution dated the 25th February 1880 cited in the preamble the following questions were discussed namely —

(1) The measures which should be taken to provide for the recognition of re convicted prisoners in view to their being adequately dealt with not only by the Courts but also by the jail authorities after admission into jail

(2) The definition of the term habitual criminal for purposes of Jail discipline and

(3) Whether the duty of determining the classification and treatment in jail of a convict as an habitual should be placed entirely upon the Magistracy or partly upon the Magistracy and partly upon the police and jail authorities and whether it would not be possible to lay down more definite rules of procedure in this matter than at present exist

2 In regard to the first of these points the Government of India suggested—

(a) That a descriptive roll of every prisoner arrested by the police should as suggested by the Jail conference of 1877 be prepared at the station house and be sent up with the prisoner to the Magistrate and that such descriptive roll in the event of the final conviction of the prisoner by the Magistrate should be copied in a register to be kept up in the jail for this purpose

(b) That the police in sending up an accused person to the Magistrate should embody in the charge sheet as complete a record as possible of all his previous convictions

(c) That the jail authorities should not content themselves with the information obtained from the Magistrate or from the police as to the former convictions recorded against a convict but should endeavour to ascertain from the subordinate jail officers warders and long term convicts as well as from the jail records if the prisoner has been previously convicted and

(d) That the police should be given frequent opportunities of inspecting convicts after admission into jail, both by a weekly parade, as suggested by the Jail conference, and by such other means as might be found desirable

The Government of India requested that, where the rules in force did not already accord with the above suggestions they should be made to do so, and that the question whether other measures should not be adopted as auxiliaries thereto should be carefully considered by Local Governments and Administrations

3 From the reports now received it appears that the suggestions made in the Resolution of the 25th February 1885 have generally met with approval, and that the rules already in force in several provinces though they have not always been thoroughly carried into practice correspond more or less closely with those suggestions The Governor General in Council is however of opinion that the rules might be made even more uniform than they are now, and he desires that the following additional measures for identifying re-convicted prisoners be generally adopted with this object namely —

(1) That a list of re-convicted prisoners who are to be released every month be despatched from the jail to the Magistrate and the District Superintendent of Police This may be done by sending to these officers on the 20th of each month an extract from the jail register showing all re-convicted prisoners with their places of residence who are to be released in the succeeding month The rule contained in clause 471 of the Jail Manual for Bengal that this list should be sent fortnightly may be retained in that Province

(2) That the jail authorities should examine undertrial prisoners detained in the jail or the Magistrates lock-ups in order to ascertain whether they have been previously convicted Whenever a previous conviction is discovered in this way an intimation to this effect should be sent to the police before the trial of the prisoner In Magistrates lock-ups which are separate from the jail it may not be always possible to carry out this rule but these cases should be few In subdivisional lock-ups the plan will not be practicable

(3) That when a re convicted prisoner is transferred from one jail to another an extract from the relevant entries in the register of the jail *from which the transfer is made* should be sent to the jail to which the prisoner is transferred, and

(4) That when subsequent to conviction the jail authorities discover that a prisoner has been previously convicted the fact should be communicated to the Magistrate and the District Superintendent of Police

4 It is understood that at all police stations lists of released prisoners are maintained and that when a released convict whose name is entered on such list passes out of sight his descriptive roll is published in the local *Police Gazette* It has been suggested that slips stating the descriptive roll should be circulated to every police office and jail when such a released convict disappears It does not seem necessary to do more than supply the jails regularly with copies of the *Police Gazette* if this is not done already, and it will be for District Superintendents who receive the *Police Gazette* to circulate slips to police officers if this is considered necessary

5 The next subject discussed in the Resolution of the 25th February 1885 was the possibility of framing some authoritative definition of the term habitual criminal After carefully considering the suggestions made by Local Governments and Administrations the Governor General in Council is of opinion that the following definition may be accepted —

For the purposes of jail discipline the words habitual criminal shall mean a prisoner so classed—

(1) By the Court of Magistrate that heard the case—

(*a*) Because he has been convicted of an offence punishable under Chapter XII or XVII of the Indian Penal Code with three years imprisonment or upwards and has been previously punished on conviction for an offence under either of these chapters and similarly punishable, or

(*b*) Because from the circumstances of the case the Sessions Judge or Magistrate believes the prisoner to depend on crime as a means of livelihood or to have attained such an eminence in crime as to warrant his being classed with habitual or class B criminals

(2) By the District Magistrate, or any Magistrate empowered by him on this behalf, the classification being made in accordance with the principles suggested for the guidance of the Courts in clauses 1 (*a*) and (*b*) of this definition

(3) Subject to the control of the Magistrate by the officer in charge of the jail, when the prisoner is—

(*a*) Sentenced or believed to be liable to punishment under Section 75 of the Indian Penal Code

(*b*) Under sentence enhanced by reason of more than one previous conviction or

(*c*) Known to have been repeatedly imprisoned for similar offences or

(*d*) A member of criminal tribe

Provided that—

(1) Any such Court or Magistrate as is mentioned above may direct that a prisoner shall not be classed as an habitual criminal and

(2) When there is room for doubt whether a prisoner should be so classed or not the officer in charge of the jail shall refer the case for the orders of any such Court or Magistrate

Explanation —The classification when made by the convicting Courts shall be final If the Courts omit to classify a prisoner as an habitual the District Magistrate or any Magistrate empowered by him may do so In case of ommission on the part of the Court and of the Magistrate the officer in charge of the jail may make the classification subject to the general control and supervision of the District Magistrate

6 The third and last question dealt with in the Resolution of the 25th February 1885 namely what authority should be made responsible for classifying prisoners as habitual criminals is disposed of by the explanation ' in the preceding paragraph

ORDER —Ordered that this Resolution be communicated to the several Local Governments and Administrations for information and guidance

(Published at page 51 of the Punjab Police Gazette dated 9th March 1887)

Procedure—Criminal]

Remand of Prisoners during Police Investigation

CIRCULAR NO 880 J—*Dated the 6th April* 1889

To—ALL CRIMINAL COURTS IN AJMERE MERWARA AND RAJPUTANA RAILWAY JURISDICTION

In a Criminal case lately before this Court it appeared that a subordinate Magistrate acting under the provisions of section 167 Criminal Procedure Code illegally authorized the detention of the accused for a period exceeding in the aggregate fifteen days apparently construing the section in question as conferring the same powers as section 344 does on a trying Magistrate or Court without noticing the difference in the wording of the sections

On a careful reading of section 167 it will be seen that the section authorizes a Magistrate to remand from time to time an accused person forwarded to him by the Police but does not allow the sum of the periods of remand to exceed a term of fifteen days The words at a time which occur in section 344 of the Code after fifteen days are not to be found in section 167 and this clearly shows that the Legislature had a special object in view in limiting period of remand in cases still under Police investigation viz that an accused person should be brought before a Magistrate competent to try or commit with as little delay as possible

In order that no improper use of the power given by section 167 may be made hereafter the attention of the Courts is directed to the view set forth above which it may be noted is in accord with the opinion expressed by the Madras High Court in a similar case (*vide* I L R 11 Madras 98)

CIRCULAR ORDER

No 1336 J—*Dated the 15th April* 1893

To—ALL CRIMINAL COURTS IN AJMERE MERWARA

Cases have more than once come before this Court in which a previous conviction of the accused has effected the punishment awarded and the fact of the previous conviction has nevertheless not been set out in the charge

2 The attention of the Courts of Ajmere Merwara is accordingly directed to the requirements of section 221 of the Criminal Procedure Code In

all cases in which it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award the fact date and place of the previous convictions should be set out in the charge and the reply of the accused as to whether he admits such, or not should be recorded In the event of the fact being denied by the accused it should be proved in the manner prescribed in section 511 of the Code Should he admit the fact it requires no further proof If it effects the sentence awarded it should invariably be noticed in the judgment

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COMMISSIONER'S CIRCULAR

No 2092 J—*Dated the 30th May* 1894

To—ALL THE MAGISTRATES IN AJMERE MERWARA

Several cases have lately come to the notice of this Court in which offenders against the provisions of the Gambling Act (III of 1867) have been sentenced to suffer imprisonment in default of payment of fine

2 The attention of the Courts in Ajmere Merwara is accordingly invited to the annexed ruling of the Agent to the Governor General for Rajputana and the Judicial Commissioner Ajmere Merwara in which it is held that this practice is illegal It is there decided that as the Gambling Act was passed prior to the General Clauses Act (I of 1868) the provisions of Section 5 of the latter Act and hence of Sections 64 and 65 of the Indian Penal Code do not apply to the Gambling Act and that consequently the award of imprisonment either simple or rigorous in lieu of payment of fine under the Gambling Act is illegal

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Orders by the Agent to the Governor General Rajputana dated 26th April 1892 in re Crown versus Ram Persad and 11 others charge Gambling Section 13 of Act 3 of 1867

The award of imprisonment either simple or rigorous being illegal it has been cancelled by this Court

Juvenile Offenders

No 1337 J —*Dated the 18th April* 1893

The attention of all the Courts in Ajmere Merwara is invited to the undermentioned circular issued by the Judicial Commissioner, Ajmere Merwara regarding the detention of juvenile offenders in the Ajmere jail

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CIRCULAR

It having recently come to the notice of the Judicial Commissioner that a first class Magistrate sentenced a juvenile offender to 6 months imprisonment and subsequently converted that sentence into one of 2 years detention in the juvenile ward of the Ajmere jail all Subordinate Courts are hereby informed that such an alteration of punishment is illegal as amounting to an enhancement of the original sentence

They are further reminded that the Reformatory Schools Act (No V of 1876) is not in force in Ajmere Merwara But although for this reason the provisions of that Act cannot be utilized any Court sentencing a juvenile offender (as such) may in awarding sentence well bear in mind that there is a ward in the Ajmere jail specially provided for juvenile offenders and conducted under the Rules sanctioned by Government of India in Foreign Department letter No 5214 I dated 17th December 1887

2 This ward however though differing considerably from the jail proper in respect to its discipline can hardly be considered as fulfilling in more than a partial degree the purposes of a Reformatory School pure and simple and therefore Courts should not in passing sentence on juvenile offenders be guided by the idea that they will be sent to a Reformatory School and therefore that the sentence should not be less than two years Short sentences in the juvenile ward should not be discouraged when the offence is trivial and the offender not an habitual thief

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CIRCULAR

Under the provisions of Act VII of 1894 juvenile offenders sentenced to detention for terms of two years and upwards can now be transferred from the Ajmere Juvenile Ward to the Reformatory School at Bareilly or elsewhere

The attention of all the Courts in Ajmere Merwara is again directed to the Circular* issued by the Judicial Commissioner on the 20th March 1893 in connection with this subject with the remark that except for trivial offences such sentences should be awarded to juvenile offenders as will allow of their being placed under the useful training and discipline afforded by the regularly constituted Reformatory Schools in the North of India

* Copy forwarded under this office endorsement, dated 18th April 1893

No $\frac{2150}{2151}$ J —*Dated* 5*th June* 1894

To—THE ASSISTANT COMMISSIONER $\frac{\text{AJMERE}}{\text{MERWARA}}$

SIR

I have the honor to request that the Officers presiding over all the Courts within your jurisdiction may be desired to observe the Rules below regarding the Classification of Habitual Criminals —

(1) *Whenever a person is sentenced to imprisonment for an offence the* Magistrate who passes the sentence shall determine whether the prisoner *is to be classed as an habitual criminal or otherwise and* shall endorse the word habitual or non habitual as the case may be legibly on the warrant of Commitment and sign such endorsement

(2) If the prisoner has been previously convicted a statement containing the particulars of the previous convictions should be attached to the warrant of Commitment

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CHIEF COURT OF THE PUNJAB

CIRCULAR MEMO

No 14 2549 G —*Dated Lahore the* 1*st June* 1894

To—ALL SESSIONS JUDGES DISTRICT MAGISTRATES CANTONMENT MAGISTRATES, AND OFFICERS EXERCISING MAGISTERIAL POWERS IN MILITARY STATIONS

Irregular ties in procedure in the trial of offences by officers exercising magisterial powers in military stations

The Judges have observed that officers exercising magisterial powers in military stations do not always follow the provisions of the Code of Criminal Procedure in dealing with cases coming before them in a judicial capacity Even in the larger cantonments to which a trained Cantonment Magistrate is usually attached it has been found that breaches of cantonment rules offences under section 34 of the Police Act and similar cases are not always dealt with according to law while in smaller military stations where an un trained military officer is usually invested with the powers of a Magistrate of the third class it frequently happens that no proper record of evidence and of the proceedings is maintained and that very generally all that is done is to enter the name of the person tried the offence committed and the nature of *the punishment awarded in a book kept for the purpose but not authorized* by law Several instances have come to notice in which Cantonment Magis trates exercising summary powers have failed to comply with the require ments of the Code as to the manner in which summary trials shall be con ducted

Ordinary *rules of pro* cedure must be observed Sessions Judges and District Magistrates to afford guidance and exercise supervision

2. In cases in which an untrained and inexperienced officer is invested with magisterial powers for the purpose of dealing with petty breaches of sanitary and other similar rules the same knowledge of the law cannot per haps be expected as may well be required from officers permanently holding the office of Cantonment Magistrate after undergoing the usual examinations in law and procedure, but the Judges must insist on the ordinary rules of procedure being observed by all officers exercising criminal jurisdic tion under their superintendence and control and look to Sessions Judges and District Magistrates to exercise proper supervision over the way in which such officers discharge their magisterial duties and to afford guidance to those

who need it The general rules governing the trial of criminal cases are not difficult to master, and any officer who undertakes magisterial duties must make himself acquainted with them

Distinction to be drawn between administrative and judicial functions

3 A wide distinction must be made between the administrative and judicial functions of military officers invested with authority under the law applicable to military stations Fines imposed on the members of sanitary and other establishments for neglect of duty &c are so imposed under administrative authority and with such matters the Chief Court has no concern But when any person is charged with an offence against the criminal law (whether such offence falls under the Indian Penal Code the Cantonments Act and Rules made thereunder the Police Act or any other local or special law or rule made thereunder in force in a military station) he is entitled to be tried before a competent court in accordance with the procedure prescribed for conducting criminal trials

Initiation of criminal proceedings

4 Criminal proceedings may be initiated in one of three ways described in section 191* of the Code of Criminal Procedure viz (*a*) on complaint (*b*) on a police report or (*c*) on information received from any person other than a Police Officer, or in the Magistrate's own knowledge or suspicion By Punjab Government Notification No 99 dated the 3rd February 1883 all Magistrates are empowered to take cognizance of offences under clause (*a*) or clause (*b*) and all Magistrates of the first or second class may take cognizance of offences under clause (*c*)

Examination of complainant

5 The first step in initiating proceedings upon complaint is to examine the complainant (section 200 of the Code) on oath or affirmation and to reduce the substance of the examination to writing The Magistrate should consult the second schedule of the Code to satisfy himself as to his power to take cognizance of the offence If the complaint has been made in writing and the Magistrate is not competent to take cognizance of the case he will proceed as directed in section 201

Inquiry under section 202, Code of Criminal Procedure

6 Section 202 empowers Magistrates of the first and second class to make or cause to be made further inquiry before issuing process. Directions on this subject are given in Judicial Circular No L (3rd edition of Judicial Circulars)

Dismissal of complaint under section 203

7 If the Magistrate considers that there is no sufficient ground for proceeding he may dismiss the complaint under section 203

* Now Section 190, Act V of 1898

Issue of process

8 If he considers that there is sufficient ground for calling upon the accused to answer the complaint he will issue a summons or a warrant as laid down in section 204

Procedure in inquiry into cases triable by Court of Session or High Court

9 When the accused appears or is brought before the Magistrate the latter must first consider whether he has power to try the case himself or whether the case is triable only by the Court of Session or High Court In the latter event he must proceed (provided he is competent to commit for trial) in the manner described in Chapter XVIII of the Code

Three modes of procedure in cases triable by Magistrates

10 If the case is triable by the Magistrate himself he must proceed in one of the following ways —

(a) In the manner prescribed in Chapter XX of the Code if the case is a summons case as defined in section 4 (t)

(b) In the manner prescribed in Chapter XXI if the case is a warrant case

(c) In the manner prescribed in Chapter XXII if the case is one which may be tried summarily and the Magistrate is empowered to try offences summarily In this connection it may be observed that under section 530 of the Code if any Magistrate not being empowered by law in this behalf tries an offender summarily his proceedings are void

Procedure in summary trials

11 It is important to notice that for summary trials two modes of procedure are prescribed one to be followed in cases where there is no appeal (section 263) and the other to be followed in appealable cases (section 264) In appealable cases a formal judgment must be recorded, in non appealable cases the particulars required by section 263 must be recorded in a special register of summary trials and even in the latter class of cases the Magistrate should record the brief statement of the reasons" for conviction (clause h) in such a manner that this court on revision may be able to judge whether there are sufficient materials to support the conviction The register above mentioned must be used only for trials conducted under Chapter XXII of the Code

12 Directions as to the mode of recording evidence are contained in Chapter XXV In summons cases only a memorandum of the substance of the evidence has to be recorded (section 355) In other cases the whole of the evidence must be taken down by the Magistrate, or in his presence and hearing The examination of the accused is to be recorded as directed in section 364 *Mode of recording evidence*

13 The law relating to bail is contained in Chapter XXXIX of the Code *Bail*

14 A list of the registers to be maintained is given in Part II of Judicial Circular No XLV The forms of the Registers will be found in Appendix No I of the Judicial Circulars *Registers*

15 With regard to the recovery and disposal of fines imposed under magisterial authority the provisions of Judicial Circular No LXI must be observed Such fines must invariably be paid into the public accounts, such portions of them as may, under the orders of Government, be payable into the Cantonment Fund, being subsequently drawn from the treasury by the Cantonment Committee in the usual manner The Magistrate's duty ends with placing the fine in the treasury, any subsequent action being taken by the Cantonment authorities Thus, a Cantonment Magistrate must not confuse duties as a Magistrate with functions which he may exercise in connection with the Cantonment Committee or Cantonment authority under the Cantonments Act *Fines*

16 As regards establishments it is in the power of the District Magistrate to apply in the usual manner for such establishment as may be necessary for every officer who exercises magisterial powers in his district If the Cantonment Committee or Cantonment authority do not provide a proper establishment, the matter should be referred for the orders of Government. *Establishments*

FORMS OF REGISTERS (CRIMINAL)

The following forms of Registers (Criminal) have been sanctioned by the Chief Commissioner, Ajmere-Merwara, for use in the Courts in Ajmere-Merwara under Section 553 of the Criminal Procedure Code, *vide* Notification No 1[illegible]/1[illegible], dated 19th February 189[illegible], [a] / 3rd May 18[illegible], [b]

[a] *Vide* Gazette of India for 18[illegible], part II, page 244, *et seq*
[b] " " " page 5[illegible]

No 1 —(CRIMINAL MAGISTERIAL COURTS)

COURT OF THE OF

Register of Cases

Date of apprehension of accused or attendance on summons or otherwise	Name of complainant	Accused			Offence of which complaint was made or recognizance taken with section	Complaint dismissed under Sections 203 and date of dismissal	Persons whose cases were disposed of										Abstract of order disposing of the case	Abstract of order of Appellate Court if any	Abstract of order of Superior Court in referred cases	Number of papers on the record	Signature of Record keeper on receipt of record and date	Remarks
		Number	Name, with parentage, residence and caste	Age			Date	Offence found applicable by Magistrate, with section	Discharged	Acquitted		Convicted	Committed	Referred	Died, escaped or transferred	Total						
										On withdrawal from prosecution	Otherwise											
4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

No 2.—(CRIMINAL MAGISTERIAL COURTS)

COURT OF THE OF

Ledger of Cases

Number of persons brought to trial								Number of persons										Cases disposed of			Persons sentenced to		Persons ordered to find or give				Details of Punishment							Remarks
										Acquitted		Convicted									Imprisonment		Recognisance to keep the peace		Security in addition to recognisance to keep the peace		under		Six months and under		Two years and under		Seven years and under	
												On regular trial		On summary trial							Rigorous													
Number of case as per register of cases	Under arrest [illegible]	Upon warrant	On summons	[illegible]	[illegible] on reference	[illegible] by trial [illegible]	Total	[illegible] escaped or [illegible] tried	Discharged	On withdrawal for prosecution	Otherwise	Appeals the sentence passed	Non appealable sentence passed	Appealable sentence passed	Non appealable sentence passed	Committed	[illegible]	[illegible]	[illegible]	[illegible] released	With solitary confinement	Without solitary confinement	Under Section 106	Under Section 118	Under Section 106	Under Section 118	Rigorous	Simple	Rigorous	Simple	Rigorous	Simple	[illegible]	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	[illegible]	8	[illegible]	0	1	22	23	29	30	1	32	41	4	43	44	4	46	4	54

No 3—(CRIMINAL MAGISTERIAL COURTS)

COURT OF THE OF .

Register of Miscellaneous Criminal Cases

Serial No	Date of institution	Law and section under which proceedings initiated	Police Station	Description of initiatory paper, with name of petitioner or person making report	Abstract of initiatory paper	Persons against whom proceedings taken		Intermediate orders	Abstract of final order, with date	Number of persons		Number of papers on the record	Signature of Record keeper on receipt of record and date	Remarks.
						Number	Name, parentage, caste, residence and age			Discharged	Convicted.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

No 4 —(CRIMINAL—SESSIONS COURT)

Register of Committed Cases

Serial Number	District	Name of committing officer	Offence charged with Section	Accused: Number	Accused: Name with parentage, residence and caste	Accused: Age	Date of commitment	Date of receipt of record from office of ...	... with Section ...	Persons Acquitted: On withdrawal from prosecution: After having been detained in custody	Persons Acquitted: On withdrawal from prosecution: Not having been detained in custody	Persons Acquitted: After having been detained in ...	Total	Abstract of order of High Court in referred cases	If trial was by Jury: Names of Jurors	If trial was by Jury: Whether Judge: Approved of verdict	If trial was by Jury: Whether Judge: Disapproved of verdict: Wholly	If trial was by Jury: Whether Judge: Disapproved of verdict: Partially	If trial was by Jury: Whether Judge: Submitted case to High Court under Section 307	If trial was with Assessors: Names of Assessors	If trial was with Assessors: Whether Judge: Agreed with all Assessors	If trial was with Assessors: Whether Judge: Differed from: One Assessor	If trial was with Assessors: Whether Judge: Differed from: Two Assessors	If trial was with Assessors: Whether Judge: Differed from: All Assessors	Number of papers on the record	Signature of Record keeper on receipt of record and date	Remarks
1	2	3	4	5	6	7	8	9	13	14	15	1	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36

No 5.—(CRIMINAL—SESSIONS COURT.)

COURT OF THE OF

Register of cases referred to the Court of Session and of proceedings under the Code of Criminal Procedure

Serial No.	Name of referring officer, if any.	Section of Penal Code or Code of Criminal Procedure.	Accused		Date of reference or institution	Date of disposal	Number of days case lasted	Number of persons			Particulars of final order	Number of papers on the record	Signature of Record keeper on receipt of record and date	Remarks
			Number	Name, with parentage, residence and caste				Discharge	Acquitted	Convicted or otherwise subjected to order				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

No 6 —(CRIMINAL—SESSIONS COUPT)

COURT OF THE OF

R j ter of pu ishment i fl cted

Number				Persons sentenced to														Bind or give			Details of Pu sl ment														Remarks
Ia t r (c m l ase	In e ist ed cases ref rred t the C rt of Sessi n a d f pr ce ding und r the Court of Cr m nal Proce d re	Nat e la wi	l hea K	Transp rtati n		[illegible]	Rigorous i priso ment										[illegible]	Se t i addit to r cog a e to k p the peac d 10	ur t of good beh a io r	Fine						Fifteen days and und r		Six months and under		Two years and u d r		Seven years and nd		
				F r l fe	For a t rm	l ears	W h w l y f e t	W ll t l tary c nf e t	S ... pl	F f t re of propty										Rs 10 and u d r	Rs 50 a d d r	R 50 and nd r	00 a nler	Rs 1 000 and under	Abo e 1 000	S ple	R go s	Sin ple	R gorous	S n pe	R go s	Si ple		
1	2	3	4	5	6	7	8	9	10	11	12						7	18	19	0	1		3	4		6		8		30	31		4	

No 7.—(CRIMINAL—COUTS OF SESSIONS AND DISTRICT MAGISTRATE)

COURT OF THE OF

Register of Appeals

Serial No	Date of institution of appeal	Date of receipt of record	Abstract of sentence or order appealed against and date	Name of officer whose sentence or order is appealed against	Names of appellants	Date of disposal of appeal	Number of days appeal lasted	Number of Persons								Number of papers on the record	Signature of Record keeper on receipt of record, original and in appeal, and date	Remarks
								Died, escaped, or transferred	Appeal rejected	Sentenced or order confirmed	Sentence reduced or order otherwise altered	Reversed	Proceedings quashed	New trial or further enquiry ordered	Referred to the High Court			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

No 8 —(CRIMINAL—COURTS OF SESSIONS AND DISTRICT MAGISTRATE)

COURT OF THE

OF

Register of Revision Cases

Serial No.	Date of application or calling for record (where no application was presented)	Date of receipt of record.	Abstract of order which is subject of	whom are subject of revision	Date of disposal of case	Number of days case lasted	Number of Persons: Died, escaped or transferred	Number of Persons: Application rejected	Number of Persons: Order confirmed	Number of Persons: Order modified or altered	Number of Persons: Order annulled	Number of Persons: Committal, new trial, or further enquiry ordered	Number of Persons: Referred to the High Court	Number of papers on the record	Signature of Record keeper on receipt of record, original, and in revision, and date	Remarks
1	2	3	4	6	7	8	9	10	11	12	13	14	15	16	17	18

No 9.—(CRIMINAL—ALL COURTS)

Register of witnesses attending the Criminal Court

Serial No.	Date of arrival.	Name and residence of witness.	Names of parties.	Charge	Date of examination	Date of discharge	Number of days detained										Remarks
							One day	Two days	Three days								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

No. 10.—(CRIMINAL—ALL COURTS.)

Register of fines, penalties and forfeited bonds [illegible] for the Court of

Serial No. and year of cases	Number of cases	Names of parties	Date of order	Amount of fine or penalty	Name of person by whom payable	Amount of fine (if any) awarded as compensation or reward	Amount (if any) remitted and by what authority	Date of warrant for levy	Realizations			Compensation or reward paid		Fines or Penalties refunded		Written off as irrecoverable		Remarks
									Date	For credit to Government	For credit to Local or Municipal fund	Date	Amount	Date	Amount	Date	Amount	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

NOTE.—All the columns [illegible] except [illegible] officer of Court. [illegible] certify that there [illegible] that he has taken proceedings [illegible] of the case [illegible] and penalty [illegible] of realization. All fines, penalties, etc., outstanding at the close of the half year will be brought forward [illegible] the [illegible] of the next half year.

No 9 —(CRIMINAL—ALL COURTS)

Register of witnesses attending the Criminal Cour

Serial No.	Date of arrival	Name and residence of witness	Names of parties	Charge	Date of examination	Date of discharge	Number of Days Detained										Remarks
							One day	Two days	Three days								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

No 10 —(CRIMINAL—ALL COURTS)

Registers of fines, penalties of forfeited bonds, etc, for the Court of

Serial No. and year of series.	Number of case	Names of parties.	Date of order.	Amount of fine or penalty	Name of person by whom payable	Amount of fine (if any) awarded as compensation or reward	Amount (if any) remitted and by what authority	Date of warrant for levy	REALIZATIONS			COMPENSATION OR REWARD PAID		FINES OR PENALTY REFUNDED		WRITTEN OFF AS IRRECOVERABLE		REMARKS
									Date	For credit to Government	For credit to Local or Municipal Fund	Date	Amount	Date	Amount	Date	Amount	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

NOTE.—At the end of every six months the presiding officer of each Court will certify in the register that he has taken proceedings in the case of all outstanding fines and penalties that seem capable of realization. All fines, penalties, etc, outstanding at the close of the half year will be brought forward and totalled in the register in red ink at the foot of the certificate recorded as above directed as the opening entries of the next half year

No 11 —(CRIMINAL—ALL CRIMINAL COURTS)

REGISTER OF EXPENSES OF COMPLAINANTS AND WITNESSES

Prescribed by the Chief Commissioner of Ajmere Merwara in his Notification No 901 127 dated the 1st August 1888

Serial No	Number of cases	Name of Complainants	Name of Witnesses	Rate, that is (a),(b) or (c), paragraph 2 of Chief Commissioner's Notification No 804 127, dated the 20th July 1880	Residence	Number of days allowed for journey to and from Court	For how many days detained at Court	Total of columns 7 and 8	Diet allowance	Travelling expenses	Total of columns 10 and 11	Initials of officer whom paid	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Destruction of useless Records

[1] No 605 359 —*Abu, the 3rd June* 1889

The following rules framed under Section 5 of Act III of 1879, for destruction of useless Judicial Records and Registers in Courts subordinate to the Judicial Commissioner, Ajmere have been sanctioned by the Governor General in Council, and are published for general information

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GENERAL

RULE I

All judicial records and registers which by the lapse of a year have become liable to destruction under the following Rules shall be destroyed during the months of *August and September*

RULE II

The destruction of such records and registers shall be carried out —

(*a*) In the District Record Office under the supervision of one of the District Officers

(*b*) In the Small Cause Court, Ajmere, under the supervision of the Clerk of the Court

(*c*) In the Small Cause Courts at Nasirabad and Beawar under the supervision of the Judges of those Courts

RULE III

The destruction shall be effected by tearing with the exception of the court fee stamps which shall be burnt in the presence of the supervising officer The paper shall then be sold by Public Auction and the proceeds shall be credited to the Record Office Fund

RECORDS

RULE IV

All Civil records required by these Rules to be preserved in perpetuity shall be arranged in three separate Files, A, B and C

RULE V

All other Civil, and all Criminal records shall be arranged in Files A and B only

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[1] See Gazette of India dated 15th June 188 part II page 325

Destruction of useless Records

RULE VI

In the case of Civil records referred to in Rule IV File A shall contain the following papers —

(A) In all original cases —

1 The index of papers

2 The order sheet

3 The plaint together with any schedule annexed thereto, and all documents, whether original or copies filed with the plaint

NOTE.—In miscellaneous cases, the petition or written application of the party setting the Court in motion will take the place of the plaint

4 The written statements and pleadings of the parties

5 Applications of parties who are strangers to the suit, with the Court s orders thereon

6 The memorandum of issues, with amended or additional issues if any

7 All depositions of witnesses

8 All documents received by the Court during the trial as evidence between the parties

9 Report of Commissioners

10 Reports furnished by the Record Department

11 Award or other final return of Arbitrators and documents submitted therewith

12 Deeds of withdrawal, compromise, or confession of judgment

13 Orders of arrest or attachment before judgment, with all documents relating thereto

14 The judgment or other final order

15 The decree

16 All notes in the handwriting of the Judge

17 Applications for review of judgment with the Court s orders thereon

18 Judgments and decrees of Appellate Courts, if any

19 All orders passed in execution proceedings with all applications, objections and receipts and acknowledgments filed in execution proceedings

20 Plan of locality

(B) In Appeal cases —

1 The index of papers

2 The order sheet

3 The petition of appeal

4 Copies of judgments and decrees of Lower Courts

5 Any cross objection filed by the respondent under section 561 of the Code of Civil Procedure

6 Finding on issues referred to Lower Court for trial

7 Reports of Commissioners

8 Any additional evidence oral or documentary admitted by the Appellate Court under section 568 of the Civil Procedure Code

9 Award or other final return of arbitrators

10 Deeds of withdrawal compromise or confession of judgment

11 The judgment or other final order

12 The decree of the Appellate Court

13 All notes in the handwriting of the Judge

14 Applications for review of judgment with the Court's orders thereon

15 Any judgment and decree of a superior Court of Appeal

File B shall contain the following papers —

(*a*) In Original cases —

1 Commissions and proceedings held thereunder

2 Application to refer to arbitration and references to arbitration with the proceedings and any application to set aside the award

3 Writs in execution proceedings of which service has been effected notices reports and returns relating thereto

(*b*) In Appeal cases —

1 Issues referred for trial by the Appellate Court with the evidence taken thereon

2 Commissions and proceedings held thereunder

3 Applications to the Appellate Court to refer to arbitration references with the proceedings depositions submitted with the award and any applications to set aside the award with the Court's orders thereon

File C shall consist of all papers not included in Files A and B

RULE VII

In the case of Civil records referred to in Rule V, File A shall contain the following papers —

(*a*) In original cases heard by any Court other than a Court of Small Causes —

Papers Nos 1 to 20 of File A and 1 to 3 (*a*) of File B referred to in Rule VI

(*b*) In Appeal cases —

Papers Nos 1 to 15 (File A) and 1 to 3 (File B) in paragraph B of Rule VI

(*c*) In cases heard by a Court of Small Causes, File A shall contain —

1 The index of papers

2 The plaint with the papers annexed thereto

3 Any cross claim set up by the defendant by way of set off

4 All documents received by the Court during the trial as evidence between the parties

5 Any award of arbitrators or deed of withdrawal compromise or confession of judgment

6 The judgment or other final order

7 The decree

8 All notes in the handwriting of the Judge

9 Any application for review of judgment or for a new trial under Section 21 of Act XI of 1865 with the Court's order thereon

10 Any order passed by the High Court North-Western Provinces, as a Court of reference, or by the Judicial Commissioner of Ajmere as a Court of revision

11 Summonses issued to defendants in cases heard *ex parte*

12. All orders passed in execution proceedings with all applications, writs of which service has been effected, notices reports and returns relating thereto receipts and acknowledgments filed in execution proceedings

File B shall consist of all papers not included in File A

RULE VIII

In the case of criminal records File A shall contain the papers noted below —

(a) In original cases tried by a Court of Sessions —

1 The index of papers

2 The order sheet

3 The charge original and as amended by the Sessions Judge

4 All depositions of witnesses and statements of accused persons including depositions and statements transferred from the file of the Committing Magistrate

5 All documentary evidence

6 The final order

7 The finding of the assessors or verdict of the jury

8 All notes in the handwriting of the Judge

9 The judgment of the Appellate Court, if any

10 Any order passed by the Judicial Commissioner of Ajmere as a Court of reference or revision

11 Warrants returned after execution of sentence

12 All proceedings relating to the realization of fines

(b) In Magisterial inquiries and trials —

1 The index of papers

2 The order sheet

3 The final police report (chalan) or petition of complaint

4 All depositions of witnesses and statements of accused persons

5 All documentary evidence

6 The charge, where a formal charge is drawn up

7 The final order of the Court

8 All notes in the handwriting of the Magistrate

9 The order of the Sessions Judge in cases referred for confirmation under section 34 [a] of the Criminal Procedure Code

[a] Under the present law (Act V of 1898) sentences passed by District Magistrates empowered under section 30 no longer require confirmation by the Session Judge, such sentences being appealable to the Court of Sessions and High Court according to the nature of sentence. See section 408 of the Act

Destruction of useless Records

10 The judgment of the Appellate Court, if any

11 The judgment of the Judicial Commissioner in revision or appeal if any

12 Warrants returned after execution of sentence

13 All proceedings relating to the realization of fines

14 Bonds for good behaviour taken under section 110 of the Code of Criminal Procedure

(c) In Appeal cases —

1 The index of papers

2 The order sheet

3 The petition of appeal

4 Copy of the judgment of the Lower Court

5 Any additional evidence taken under section 428 of the Criminal Procedure Code

6 The final order of the Court

7 All notes in the handwriting of the judge

File B shall consist of all papers not included in File A

RULE IX

The following records shall be preserved in perpetuity —

1 File A of all suits and appeals involving the title to immovable property as defined in section 2, clause 5 of Act I of 1868

NOTE.—In suits for arrears of rent or for a share in the produce when the right is not disputed and only the amount contested, clause 1 of Rule XIII will apply

2 File A of all suits and appeals relating to the succession to an office or to establish or set aside an adoption or otherwise determine the status of an individual and of all suits and appeals relating to trusts or religious endowments.

3 Records of attachment, sale and delivery of immovable property in execution of decrees including all objections proceedings and orders thereon

4 File A of suits relating to the redemption or foreclosure of mortgages of immovable property under sections 7 and 8 of Regulation XVII of 1806 and the Transfer of Property Act

5 File A of proceedings under Acts XIX of 1841, XXXV and XL of 1858, XXVII of 1860, IX of 1861, X of 1865, and of all cases connected with custody and disposal of intestate property

6 File A of proceedings under the Indian Divorce Act IV of 1869

7 Records relating to the disposal of immovable property forfeited to Government under section 62 of the Indian Penal Code

8 Correspondence with other offices on matters connected with the administration of justice, including annual reports and the statements appended thereto provided that heads of offices may, with the previous sanction of the Commissioner of the Division order the destruction after three years, of any correspondence of a merely formal or ephemeral character, after personally satisfying themselves, in regard to each paper ordered to be destroyed, that its retention is no longer necessary

NOTE —A list of all papers which it is proposed to destroy under this clause must be prepared, and in the case of a subordinate office, be submitted to the Commissioner for sanction This list will be preserved in perpetuity

RULE X

The following records shall be preserved for 50 years and then be destroyed —

1 File A of cases relating to any of the offences specified in section 44 of the Criminal Procedure Code as offences of which all persons are bound to give information, in which any of the suspected persons have escaped apprehension provided that, whenever it is known that the offender or offenders on whose account such records are kept are dead the records may be destroyed

2 File A of criminal cases in which the offence is punishable with death, and it is not known who the offender is

NOTE —The records specified in clauses 2 and 3 when the time comes when under ordinary circumstances they would be liable to destruction, shall be removed to a separate bundle of cases of absconding and unknown offenders.

3 File A of criminal cases in which a lunatic is concerned, unless the lunatic shall have been subsequently tried or have died

Destruction of useless Records

RULE XI

The following records shall be preserved for 20 years and shall then be destroyed, unless their preservation is necessary on any of the special grounds noted below —

1 File A of Sessions cases provided that, if the sentence has not been fully executed the record shall be preserved until the return of the warrant and then destroyed

2 The charge, finding and sentence in cases in which conviction has been had of an offence for which enhanced punishment is provided on a second or subsequent conviction

3 File A of cases in which any public servant has been tried, whatever may have been the result of the case

RULE XII

The following records shall be preserved for 12 years and shall then be destroyed —

1 File A of cases under Chapter XXXVI of the Criminal Procedure Code, in which maintenance is awarded

2 Insolvency proceedings under Chapter XX of the Civil Procedure Code

3 File A of cases regarding compensation for robberies

4 File B of cases referred to in Rule IV.

RULE XIII

The *following records shall be preserved for six years*, *and shall then be* destroyed, unless their preservation is necessary on any of the special grounds noted below —

1. File A of all civil suits and appeals other than suits and appeals falling under Rule IX, provided that, if the decree has not been fully executed or become incapable of further execution File A must be preserved until such time as the decree has been fully executed or become incapable of further execution

NOTE.—A note of all cases destroyed under this clause shall be made at the time of destruction in the list of cases put up with the village bundle

2 File A of cases tried by the Magistrate of the District under section 34 of the Criminal Procedure Code in which he has inflicted a heavier punishment than might have been inflicted by a Magistrate of the first class provided that if the sentence has not been fully executed the records shall be preserved until the return of the warrant and then destroyed

3 Records relating to the realization of fines of Criminal Courts

Rules XIV

The following records shall be preserved for three years and shall then be destroyed

1 File of criminal cases enquired into and tried by Magistrates and not otherwise provided for in these Rules

2 File A of appeals from orders passed by Magistrates.

3 All correspondence between the Assistant Commissioner and his subordinates and other records periodical statements reports proceedings, applications &c not expressly provided for in these Rules provided that in respect of records falling under this clause heads of offices must exercise their discretion in preserving reports returns and proceedings likely to be useful in the future as containing the result of inquiries or other information or the opinions of experienced officers on matters connected with the general administration of justice

Rule XV

The following records shall be preserved for one year and shall then be destroyed

(a) 1 File B of all civil and criminal cases and appeals except those referred to in Rule IX

(b) File C of cases referred to in Rule IX

Note — A note should be made on the index of papers in File A opposite each paper destroyed under this clause

2 Proceedings of other Courts and offices forwarding notices proclamation calling for record &c

RULE XVI

The periods prescribed above shall except in the cases noted below be taken to run from the date of the final order of the Court of first instance or, in the event of an appeal from that of decision of the appeal

In cases under Chapter XXXVI of the Code of Criminal Procedure in which maintenance is awarded the period shall be taken to run from the date of the last order passed for the enforcement of the award In insolvency proceedings the period shall be taken to run from the order of the Court declaring the insolvent discharged from further liability

RULE XVII

A note of every record destroyed under the above Rules shall be made at time of destruction in the Register in which the case is entered under the signature of a responsible officer A note of all cases completely destroyed shall be made at the time of destruction in the list of cases put up with the Village bundle

RULE XVIII

Before destroying File A of any judicial proceedings care must be taken to separate and remove from the file all documents belonging to private persons or to Government as a party to the proceeding which have not been superseded by the decree or impounded in the case in which they were produced These documents shall be preserved and tied up in a separate parcel and notice shall whenever practicable be given to the persons who produced them in Court requiring them to take them back into their own keeping within six months from the date of the notice and warning them that they will be kept at their risk and that the Court declines all responsibility for them

REGISTERS

RULE XIX

The following judicial registers shall be preserved for 12 years from the date of the last entry and shall then be destroyed —

Civil Register No IV
Ditto No XII

Criminal Register No I.
Do do No III
Do do No IV
Do do. No V
Do do No XV

RULE XX

The following judicial registers shall be preserved for six years from the date of the last entry and shall then be destroyed —

Civil Register No XIV
Ditto No XVI
Ditto No XVII
Criminal Register No XIV
Ditto No XVI
Civil and Criminal Register C
Ditto do D

RULE XXI

The following judicial registers shall be preserved for three years from the date of the latest entry, and shall then be destroyed —

Civil Register No V
Ditto No VI
Ditto No VII
Ditto No X
Ditto No XV
Ditto No XX
Ditto No XXI
Ditto No XXII
Criminal Register No XI
Ditto No XII
Ditto No XIII
Ditto No XVII
Civil and Criminal Register E
Ditto do F
Ditto do G
Ditto do H

RULE XXII

No judicial registers shall be destroyed except as directed above.

RULES FOR GRANT OF COPIES TO SUITORS AND OTHER PERSONS IN THE COURTS AND OFFICES IN AJMERE MERWARA SANCTIONED BY THE CHIEF COMMISSIONER IN HIS LETTER No 570 22 A DATED 10TH MAY 1887

CHAPTER I

Appointment of Section writers

Copies of documents filed in the Courts and Offices of Ajmere Merwara will be made by Section writers appointed for each Court with the previous sanction of the Commissioner and District Judge

Provided that in Courts and Offices where the copying work is not sufficiently remunerative for the employment of a Section writer the duty of preparing copies may with the sanction of the Commissioner and District Judge be delegated to a member of the Court or office establishment

2 *So far as practicable such Section writers only should be appointed* as are qualified under the standing orders of Government for employment in Government service

3 The presiding Officer of each Court or Office shall exercise the necessary supervision with a view to ensure the correct and prompt preparation of copies their delivery to the applicants and the due accounting and adjustment of the fees realized from them

4 In the Courts and Offices of the Commissioner the Assistant Commissioners the Judicial Assistant Commissioner the Cantonment Magistrate, Nasirabad and the Extra Assistant Commissioner the Section writers shall perform their work under the immediate supervision of the Head Clerk Clerk of Court or the Reader as the presiding Officer may think fit

5 The fees shall be collected in cash by the officer to whom applications for copies are presented and shall be received by the particular Sectioner by whom they are earned, but nothing herein contained shall prevent the distribution of fees among the several Sectioners employed in a Court or Office in such manner as may be determined by the presiding Officer with the concurrence of the Commissioner and District Judge

CHAPTER II

Persons who are entitled to copies

6 A plaintiff or a defendant is entitled at any stage of the suit to obtain copies of the record of the suit including exhibits which have been put in as evidence and memoranda of depositions of witnesses provided that a party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party until he has filed his own

7 A stranger to the suit may after decree obtain as of right copies of the plaint, written statements affidavits and petitions filed in the suit and may for sufficient reason shown to the satisfaction of the Court obtain copies of any such documents before decree

8 A stranger to the suit may also obtain as of right copies of judgments decrees or orders at any time after they have been passed or made

9 For sufficient reason shown to its satisfaction a Court may grant to a stranger to the suit copies of exhibits put in evidence not being of the nature referred to in section 130 of the Indian Evidence Act 1872

10 An accused person or a person affected by a judgment or order of a Criminal Court is entitled to a copy of the judgment or order or any other proceeding

Explanation — A complainant is within the meaning of this rule

11 The Magistrate of the District and the District Superintendent of Police are entitled to copies of judgments of the Court of Session

12 A commanding Officer or the Head of a Department is entitled to copies of judgments of the Court of Session in cases where a soldier or a public officer subordinate to him is convicted of an offence

13 Government law officers are entitled to copies of decrees in pauper suits and appeals.

14 Government law officers and any person specially authorized in this behalf by the Magistrate of the District are entitled to copies of the whole or

part of any record when required for the purpose of conducting any trial or investigation or appeal on the part of Government in any Criminal Court

15 Copies of official correspondence and reports should not as a rule be granted Should any one apply for a copy of a letter received from superior authority he should be referred to the officer from whose office the letter issued

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CHAPTER III

Collection of copying charges and computation of stamps on copies

16 For the preparation of copies other than those granted free of charge under these rules a uniform charge which will be levied in cash will be made at the rate of four annas for the first folio and two annas for each subsequent folio Each folio shall be ruled and shall contain twenty five lines each line to contain no more nor less than six English or twelve Vernacular words

17 The Court fee payable under the Court Fees Act 1870 will be levied by affixing the proper stamp to the first folio of the copy

18 When a copy is chargeable with stamp duty under article 22 of Schedule I of the Indian Stamp Act 1879 the heading of the copy or if there is no heading to be copied then the first line of the copy will be written along the middle of the face of the sheet bearing the impressed stamp which represents the stamp duty chargeable on the copy

19 Under article 1 (*a*) Schedule II of the Court Fees Act 1870 every application for a copy must bear a court fee stamp of one anna unless it be made by or on behalf of a prisoner or other person in duress or under restraint of any Court or its officers or be of the nature described in Rule 29

20 For the purposes of these rules copies chargeable under the Court Fees Act 1870 are copies of (*i*) judgments or orders not being or having the force of decrees (*ii*) decrees or orders having the force of decrees (*iii*) documents liable to stamp duty under the Indian Stamp Act 1879 when left by parties to suits or proceedings in place of originals withdrawn under Section 144 of the Code of Civil Procedure (*iv*) any judicial proceeding not otherwise provided for by the Court Fees Act 1870 and (*v*) any accounts statements reports or the like taken out of any Civil or Criminal Court or Office

21 The fees leviable are set forth in articles 6, 7, 8 and 9 of Schedule I of the Court Fees Act, 1870 —

Number	Document	Proper Fee
6 Copy or translation of a judgment or order not being, or having the force of a decree	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or Office or by any other Judicial or Executive Authority —	
	(a)—If the amount or value of the subject matter is fifty or less than fifty rupees	Four annas
	(b)—If such amount or value exceeds fifty rupees	Eight annas
	When such judgment or order is passed by a High Court	One rupee
7 Copy of a decree or order having the force of a decree	When such decree or order is made by any Civil Court other than a High Court or by any revenue Court—	
	(a)—If the amount or value of the subject matter of the suit wherein such decree or order is made is fifty or less than fifty rupees	Eight annas
	(b)—If such amount or value exceeds fifty rupees	One rupee
	When such decree or order is made by a High Court	Four rupees
8 Copy of any document liable to stamp duty under the General Stamp Act, 1879, when left by any party to a suit or proceeding in place of the original withdrawn	(a)—When the stamp duty chargeable on the original does not exceed eight annas	The amount of the duty chargeable on the original
	(b)—In any other case	Eight annas
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words	Eight annas

[illegible] taken, or deter
[illegible] in Section 5??,
[illegible] rt fees are also
[illegible] of the Code by

Rules for grant of copies

22 Copies or extracts, certified to be true copies or extracts by, or by order of any public officer and not chargeable under the Court Fees Act, 1870 are unless exempted under article 9 of Schedule II of the Indian Stamp Act 1879 chargeable with stamp duty under article 22 of Schedule I of the latter Act the terms of which are as follows —

(a) —If the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee—eight annas

(b)—In any other case—one rupee

23 Court fees are remitted on the following documents, namely —

(1) Copy of a charge framed under Section 210 of the Code of Criminal Procedure, 1882, or of a translation thereof, when the copy is given to an accused person

(2) Copy of the evidence of supplementary witnesses after commitment when the copy is given under Section 219 of the said Code to an accused person

(3) Copy or translation of a judgment in a case other than a summons case, and copy of the heads of the Judge's charge to the jury, when the copy or translation is given under Section 371 of the said Code to an accused person

(4) Copy or translation of a judgment in a summons case, when the accused person to whom the copy or translation is given under Section 371 of the said Code is in jail

(5) Copy of an order of maintenance when the copy is given under Section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid

(6) Copy furnished to any person affected by a judgment or order passed by a Criminal Court of the Judge's charge to the jury, or of any order, deposition, or other part of the record, when the copy is not a copy which may be granted under any preceding clause of this Notification without the payment of a Court fee but is a copy which on its being applied for under Section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment

(7) Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court

(8) Copies of all documents which any such advocate pleader or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings

(9) Copies of judgments or depositions, required by officers of the Police Department in the course of their duties

(Vide *Notification of the Government of India No* 310 *dated the* 21*st January* 1886 *published at Page* 40 *of the Gazette of India Part I*)

24 Court fees payable under articles 6 7 and 9 of Schedule I of the Court Fees Act 1870 have also been remitted by the Notification of the Government of India Department of Finance and Commerce No 1361 dated the 24th June 1881 on copies furnished by Civil and Criminal Courts for the private use of persons applying for them The effect of this Notification is that any copy chargeable under article 6 7 or 9 of Schedule I of the Court Fees Act 1870 may be furnished by a Civil or Criminal Court on payment of copying charges only and without payment of any Court fee If however the applicant to whom a copy has been granted without payment of any Court fee wish afterwards to have it filed exhibited or recorded in any Court or received by any public officer he must unless the copy be one on which Court fees have been remitted stamp it under article 6 7 or 9 as the case may be before it is presented to such Court or public officer Court fees are not payable on copies of awards made under the Land Acquisition Act 1870 when the copies are issued to persons claiming under such awards Court fees are not payable on copies issued to pauper plaintiffs or appellants of judgments and decrees in pauper suits or appeals

25 A copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose is exempted from stamp-duty by article 9 Schedule II of the Indian Stamp Act 1879

26 No copying charges are payable on copies issued to the officers and under the circumstances described in rules 11 12 13 and 14 and to an accused person or to a friend on his behalf under and subject to the provisions of sections 210 219 and 371 Criminal Procedure Code and on a copy given under section 490 of the same Code

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CHAPTER IV

Procedure to be followed in granting copies

27 An application for a copy must ordinarily be made by the applicant himself or by his duly authorized agent but a prisoner whether Civil or Criminal may apply for a copy through the Superintendent of the Jail or through a friend

28 If the application be made by a person representing himself to be a friend of the prisoner on the prisoner's behalf the application will be sent to the Superintendent of the Jail to be attested by the prisoner and if it be so attested will thereafter be treated as the prisoner's own application The Superintendent of the Jail will be desired to note on the application whether the prisoner wishes the copy to be delivered to himself or to the friend who applied for it

29 Official letters from the persons referred to in Rules 11, 12 13 and 14 will be treated as applications for the purposes of the copies referred to therein

30 Applications made by the persons described in Rule 14 must state the purpose for which the copies are required

31 Should the presiding Officer of the Court or Office be of opinion that the demand made by any such persons is in excess of what is necessary for the purpose stated he may refuse to grant the whole or part of the copies applied for free of cost in which case he shall record his reasons for the refusal

32 An application for copies shall be addressed to the Court or Officer in whose custody the paper or papers of which copies are required are but may be presented either to such Court or Officer, or to the Court of first instance or officer who originally dealt with the case in which such paper or papers are recorded for transmission to that Court or Officer

33 The Court or Officer to whom an application for copies has been addressed or transmitted for orders under the last preceding rule may pass an order granting or for proper reason refusing the copies Provided that in the latter case he shall record his reasons and return the application forthwith to the applicant or send it for return to him to the Court or Office who transmitted it

Any person aggrieved by such refusal may appeal to the Court or Office to whom appeals from decrees or orders of the Court or Officer refusing the application lie

34 If an application for copies is made to any Subordinate Court or Office the records of which are transmitted periodically to the Sadar Record room the presiding Judge or Officer may decline to direct grant of the copies from a record which will be required for transmission within five days from the date of such application unless he thinks that the grant of such copies will not interfere with the transmission of the record on the prescribed date When a copy is refused under this rule the applicant may be referred to the Officer in charge of the Sadar records or, if he so desires, the application may be transmitted to that Officer under Rule 32

35 If an applicant for copies presents his application to a wrong Court or Office such application shall be forthwith return to him with instructions to present it to the proper Court or Office unless it falls under the latter part of Rule 32 and the applicant wishes that it should be transmitted to that Court or Office in which case the application shall be so dealt with

36 When an application for copies is presented as provided for in the latter part of Rule 32 to the Court of first instance or the original office it shall be accompanied by a memorandum requesting its transmission to the Court or Office to whom it is addressed

The applicant when presenting his application shall deposit such sum (not less than Rs 2) as he anticipates will cover all charges including the extra fee of four annas and remittance charges (if any) referred to in Rules 41 and 43 respectively and mention such deposit in the application and the memorandum accompanying it

37 The Court or Office receiving the application as aforesaid shall forward it to the Court to which it is addressed to be dealt with under Rule [illegible]

38 If the application is refused and sent back, it shall be returned to the applicant together with the amount deposited by him after deducting the fee of four annas referred to in Rule 41

39 If the application is granted the copy or copies applied for shall be made and forwarded to the Court or Office in which the application was presented for delivery to the applicant

40 If the Sectioner who has to prepare the copy or copies finds that the sum deposited is insufficient to cover the charges he shall at once cause a letter to be written to the Court or Office in which the application was presented stating what further deposit is required

Provided a letter shall not be necessary where the difference between the amount deposited and the amount payable does not exceed Rs 2 in which case the excess charges may be recovered on delivery of the copy or copies

41 On receipt of the copy or copies the Court or Office in which the application was presented shall hand it over to them or to the applicant and return to him the balance (if any) of his deposit after deducting the copying charges and an extra fee of four annas to be paid as hereinafter provided, and such further sum as may be required to defray charges of remittance of the copying fee, &c, to the Court or Office in which the copy was made The applicant's receipt for the copy and the balance if any shall be taken and forwarded to the Court which issued the copy or copies

42 All correspondence under Rules 36 to 41 and 43 between the Court or Office receiving the application for copies and the Court or Office issuing the copies shall be written by the Sectioners appointed for the purpose by the respective presiding Officers—(one in each Court or Office)—each of whom shall be entitled to a fee of two annas for his trouble in each case

The presiding Officer of a Court or Office may at his discretion remove any Sectioner appointed by him for the purpose of carrying on such correspondence

43 The copying fee and the Sectioner's fee of two annas shall be remitted by the Court in which the money was deposited to the Court in which the copy was made by post office order or in postage stamps at the cost of the applicant or in any other more convenient and cheaper mode of remit-

tance to be determined in each case by the presiding Officer If the Court or Office remitting the money be situated at a place where there is a Government Treasury the remittance may be made monthly through it, no remittance charges being levied for the same

When a remittance is made in postage stamps an additional half anna stamp for every eight annas worth of stamps or part thereof shall be sent to cover commission

44 All correspondence under these rules shall be signed by the presiding Officers of the Courts or Offices concerned and be franked with service stamps

45 When an application for copy is received and granted it shall forthwith be entered in the register of applications for copies a form which is hereto appended (Form A) The number borne by the application in the register, the amount deposited in advance (which shall not be less than one rupee) and the value of stamp duty levied (if any) from the applicant shall be noted on the application and initialed by the presiding Officer of the Court or Office corresponding entries being simultaneously made in the register under the direct supervision of the Reader or such other official as the presiding Officer may appoint

46 The presiding Officer shall arrange for the prompt and punctual delivery of the documents to be copied to the Sectioner and in no case such delivery shall be delayed beyond 24 hours. The Sectioner shall be bound to report all unusual delays to the presiding Officer who shall take such action as he thinks fit

47 The Official delivering an original document or proceeding to the Sectioner shall invariably take his receipt therefor in a receipt register (Form B) which shall remain in the custody of the Reader of the Court When the document or proceeding is returned by the Sectioner such return shall be forthwith acknowledged and dated by the receiving Officer under his signature in the appropriate column This register as well as the register of applications shall be periodically examined by the presiding Officer himself with a view to ascertain that the delivery or return of papers is not unusually delayed and that the registers have duly been filled in from time to time

Procedure—Miscellaneous]

Rules for grant of copies

48 All copies shall be written on one side of the standard paper for petitions In the case of maps and plans or tabular statements as many sheets of that paper may be pasted together as will be required for the copy applied for

49 Copies to be delivered free of cost shall be written on paper supplied from office stationery and shall be written on both sides of the sheet

50 The cost of paper for copies to be supplied on payment of fees shall be defrayed by the copyist making them

51 Copies which a Court or Office is required under these rules to grant free of cost shall be made free of any charge for such Court or Office by the Sectioner or Sectioners appointed therefor under Rule 1

52 Copies should ordinarily be granted within three days of the date of application Any delay in granting them over a week should invariably be explained in an endorsement below the endorsements mentioned in Rule 54

53 At the close of each day copies prepared for delivery on that date will if not previously called for be notified as ready for delivery by a notice in Form C affixed in a conspicuous part of the Court or Office

54 Every copy granted under these rules shall be endorsed as follows —

The cost of the copy in detail and the number of words copied

The date on which the copy was applied for

The date on which it was notified to be ready for delivery

The date on which it was ready

55 To prevent unauthorised alterations being made the dates should be written in letters in a distinct handwriting and the endorsements should be signed by the Officer appointed under Rule 63

56 On the delivery of a copy to the applicant the account of the deposit in cash and stamp shall be adjusted in his presence and entered forthwith in the register of applications for copies and the applicant s signature taken in acknowledgment of such adjustment in column 20 thereof

57 If within the three working days next succeeding the date of the *notice referred to in Rule 53 the copy be not called for* the orders of the presiding Officer shall be taken regarding the disposal of it

58 If an applicant filed more stamps than are actually required or if *he withdraws his application for copy unused stamps together with the bal*ance of his deposit if any or the whole of it as the case may be shall be returned to him in the presence of the officer referred to in Rule 63

59 *When an applicant does not appear within a week or declines* to make the necessary deposit and furnish the requisite stamp paper (where it is required) for his copy or when he does not appear to receive unused stamps within a week of the preparation of the copy or of the withdrawal of the application, the application shall be submitted to the presiding Officer for orders and the unused stamps filed with the record of the case to which the application relates If the stamps be Court fees stamps they shall be cancelled as required by law If the applicant afterwards appear to receive the stamps, the non judicial stamps if any, will be returned to him and as regards Court fee stamps a certificate will be granted to him for their refund under the rules in force

60 Except as provided for in the next rule applications for copies shall be complied with in the order of their dates of receipt

61 An applicant for copies is on payment of double the ordinary fee payable under Rule 16 entitled to have his copies made and delivered to him on the day he presents his application provided that he presents it in the forenoon

62 If owing to the documents of which copies are applied for under the last preceding rule being very lengthy copies cannot be given to the applicant at the close of the day the fact shall be reported to the presiding Officer, and subject to the orders he may pass the copies shall be [illegible] the next Court day

63 No copy will be issued without a certificate [illegible] fee in the words "certified to be a true copy" [illegible] with the seal of the Court or Office [illegible] 7

of the Indian Evidence Act 1872 the certificate above referred to may be dated and subscribed —

(*a*)—in the Court or Office of the Commissioner by the Superintendent of the Commissioner's office

(*b*)—in the Courts or Offices of the Assistant Commissioners by their respective Head Clerks

(*c*)—in the Court of the Cantonment Magistrate of Nasirabad by the Sub Treasury Clerk

(*d*)—in the Court of the Judicial Assistant Commissioner by the Clerk of the Small Causes Court and

(*e*)—in all other Courts and Offices by the presiding Officer

Provided that the English copies granted by the Court of the Judicial Assistant Commissioner and the English and Vernacular copies granted by the Court of the Extra Assistant Commissioner shall if not certified by such Officers be certified by the Head Clerk to the Assistant Commissioner Ajmere

64 Before any copy is certified as mentioned in the last preceeding rule it shall be carefully compared with its original by the Reader of the Court or Office or by some other responsible member of the permanent establishment, who in token of his having done so shall countersign it and shall also if the copy bear a Court fee Stamp cancel such stamp in the manner prescribed in the Resolution of the Government of India in the Finance Department No 3373 dated the 24th September 1875

65 In the case of a copy to be substituted for an original the fact that it is stamped under article 8 Schedule I of the Court Fees Act 1870 will be expressly noted at the top of the first sheet of such copy and the note will be checked and attested by the official attesting the copy

66 In the case of a copy falling under article 22 Schedule I of the Indian Stamp Act 1879 the value of the stamp if any on the original will be noted at the top of the first sheet of such copy and the note will be checked and attested by the official attesting the copy

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FORM A

Register of applications for Copies in the Court of the————————*of*————————*for the year* 18

Serial number	Date of application	Name of applicant	Brief description of copies applied for	Advances made by Applicant		Signature of Head of Office	Recovered from Applicant		Date of preparation of copy	Initial of Head of Office	Date of delivery to applicant	Actual cost of copy			Other charges on account of		Refunded to Applicant		Signature of applicant	Signature of Head of Office
				Cash	Stamp duty		Cash	Stamp				Words	Amount	Value of stamp if any	Remittance of copying fee	Sectioner's correspondence fee	Cash	Stamp		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

FORM B

Requisition Register

1	2	3	4	5	6	7	8	9	10
Number	Date	Particulars of original papers required by copyist	Official designation of Officer in whose custody the papers are supposed to be	Signature of Official referred to in column 4	Date of delivery of original to copyist	Signature of copyist	Date of return of original to Officer referred to in column 4	Signature of Official	REMARKS

Columns 1, 2, 3 and 4, shall be filled in by the copyist immediately on presentation and admission of applications for copies Columns 5, will be filled in by the Official concerned at the time of delivery, and column 8 will be filled in by the copyist at the time of return of the original to the Official referred to When the office is closed, the register should be made over to the Reader of the Court for safe custody.

FORM C

NOTICE

It is hereby notified that the following copies are ready for delivery

Date of Notice	Name of Applicant	Description of copy ready	Signature of Chief Ministerial Officer
1	2	3	4

Record of papers in Misls

No 2—*Dated 23rd May* 1876

From—THE COMMISSIONER, AJMERE MERWARA,

To—ALL JUDICIAL OFFICERS IN THE AJMERE-MARWARA DISTRICT.

Approved by the Judicial Commissioner, Ajmere in his letter No 282, *dated 20th May* 1876

It having been found necessary to provide Rules for ensuring the safety of the different papers in a Misl, and for the preparation and security of the English portion of the Record, the Commissioner (with the assent of the Judicial Commissioner of Ajmere) directs as follows —

English record to be of uniform size and on strong paper

1 The English abstract of all cases—Criminal, Civil or Revenue, Depositions of witnesses, and Judgment, must in every instance be written on English paper of uniform size, and in all important cases Foolscap paper should be used, as Serampore paper is soon torn, and becomes illegible on no account should Judgments ever be written on scraps of paper, or on the back of the Vernacular petition or order as is now not unfrequently the case

Every sheet to be numbered and named in Vernacular as well as in English

2 On every sheet or separate paper, the number of the sheet, and the names of parties to the case, should be written in the Vernacular, as well as in English, the Heading of the Deposition should also distinguish whether it is that of the Plaintiff, Defendant, the Plaintiff's witnesses, or Defendant's witnesses

How to be attached to File

3 All English papers should be placed in full size without folding (as creases tend to tear the paper) between a cover of strong country paper, which should have the name of the Case and Court on it, in Vernacular, and they will then form a separate file of themselves, attached by string, however, to the Vernacular file, they should not be tied up indiscriminately with the Urdu papers, but should be separately strung together

Index of English as well as Vernacular papers, to be prepared in Vernacular

4 An additional fly leaf is to be added to every Misl, containing an Index in Vernacular of the English papers, as well as the Vernacular papers, belonging to the Misl, to be signed by the Reader of the Court as correct, on which every Native Official through whose hands the files may pass, is to certify to the correctness of the Index

5 The Reader of the Court will not let the Misl pass out of his hands till the Record Keeper or other Munshi taking it has certified the correctness of the Index, which course will be followed by every succeeding Munshi who requires the Misl for any purpose

Each person through whose hands Misl passes to be responsible for its contents

6 All the files of Original, Miscellaneous and Appeal cases disposed of should reach the Record Room within a month from date of disposal and the practice that now obtains of keeping cases for a long time after decision must cease The Presiding Officer of the Court will be held responsible for seeing this rule strictly carried out

Files not to remain in hands of Court Officials but to be speedily returned to Record Room

7 When an English Judgment is recorded and one or both of the parties interested in the suit are natives a Vernacular translation of such Judgment shall be put up and form part of the Record the Officer presiding in the Court will be responsible (even if the translation is not made by himself) that it shall be a correct and intelligible translation of the Judgment and it shall not be placed on the Record till it has been passed as correct and signed by the Judge

Translation of English Judgment

8 In every Office if not already existing an Official must be appointed as a responsible Despatcher and Receiver of files who before despatch to or receipt from another Court District or Division will certify to the correctness of the Indices of Vernacular and English papers immediately bringing to the notice of the head of the Office if any papers are missing The last certifying Official will thus be made to feel his responsibility and it is believed the loss or fraudulent abstraction of papers will soon cease

Despatcher to be appointed

9 When records or papers are called for by an Appellate Revision or other Court a list of the files in Vernacular shall be prepared in the annexed form and transmitted with the files to the Appellate or other Court

Number	No of Register	Name of Parties		Claim or charge	Date of decision of case	No of papers in file	Date of despatch of file	Signature of despatching Official	Signature of receiving Official	Remarks
		Plaintiff	Defendant							

Judicial Officers to note their Judicial powers

10 On receipt of the files by the Appellate or other Court, the proper Officer will check the list, and if correct, note the date, and sign it with his initial, if incorrect he will make a note of the error on the list and lay it at once before the Appellate or other Court for orders

11 When the Appeal has been disposed of the same list will be returned with files to the Lower Court The Officer by whom the files were despatched in the first instance will cause the list to be compared with the files received and if correct will return it duly attested as such, to the Appellate Court to be filed with the records of the case to which it belongs as a receipt such receipt should be forwarded not later than the day after the file has been received

12 The despatching Officer should also satisfy himself before transmitting the files that the papers entered in the Indices of the files are complete It occasionally happens that files are received unaccompanied by the English Judgment Arbitration Award or some other important paper, if the course now enjoined be strictly followed no such accidental losses or fraudulent abstractions can help being discovered at once, and the fault brought home to the responsible Official

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CIRCULAR

No 240 J —*Dated Ajmere, the 22nd May* 1886

To—ALL JUDICAL OFFICERS IN THE AJMERE-MERWARA DISTRICT

The following instructions extracted from a Punjab Circular are issued for information and guidance —

It is often of importance to ascertain whether in a particular proceeding an officer has been exercising Civil or Criminal powers as well as the powers which he is competent to exercise But the record frequently discloses no more than the name of the officer, or that he is a Tehsildar or an Extra Assistant Commissioner, titles which in themselves connate nothing as to the Civil or Criminal powers of the officer thus designated Every proceeding of a Subordinate Court ought upon the face of it to disclose that the Presiding Officer is of competent jurisdiction and the capacity in which he

assumes to act in such proceeding Every Judicial Officer hearing or deciding a proceeding Civil or Criminal is therefore requested to note therein the powers under which he assumes to act

In Civil proceeding the powers should be noted as belonging to

Munsiff
Judge Small Causes Court
Sub Judge 2nd class
Sub Judge 1st class

and in Criminal Cases to—

Magistrate 3rd class
Magistrate 2nd class
Magistrate 1st class
Bench of Magistrates 2nd or 1st class
District Magistrate
Do do empowered under Section 30
Justice of the Peace
Cantonment Magistrate
Special Magistrate of 1st 2nd or 3rd class

When the Officer is acting in exercise of a power specially conferred *e g* summary power or the power of whipping in the case of a 2nd class Magistrate the record and the final order should disclose the fact that he is specially empowered in that behalf

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CIRCULAR MEMO

DISTRICT COURT

No 355 J —*Dated Ajmere 30th July* 1886

To—ALL SUBORDINATE COURTS AJMERE MERWARA

The Judicial Commissioner has observed a tendency on the part of subordinate Courts in this District to record their judgments sometimes in very general terms without noticing the points in dispute between the parties or facts material to a correct decision upon the case Attention is therefore directed to the necessity of complying with the requirements of law in the writing of judgments more particularly in cases open to appeal which should be complete in themselves giving a concise and intelligible

Form of Judgment

account of the facts and fully stating the reasons for the decision on the several issues in the case as well as expressing in clear terms the relief granted or the result arrived at

2 A form of judgment borrowed from one prescribed for use in the Bombay Presidency is subjoined for observance —

FORM OF JUDGMENT

In the Court of the

of

Civil Suit No of 18

A B *Plaintiff*

versus

C D *Defendant*

Claim Rs

The Plaintiff sues to recover (*state the substance clearly*)

C D s defence is (*state the substance clearly*)

The issues for decision are—
1st
2nd
3rd
&c
My finding upon No 1 is &c
2
3
My reasons for these findings are as follows —

(*Here set them out*)

I, therefore order that the Plaintiff to recover from the Defendant (*state what*)

or, I therefore reject the Plaintiff's claim

I order the costs to be paid as follows —

(*state particulars*)

Sd E F
(*Designation in full*)

To—ASSISTANT COMMISSIONERS AND JUDGES, SMALL CAUSES COURT—AJMERE, BEAWAR, NASIRABAD

Dated 11*th October* 1889

It appears from inquiry that the rules for the destruction of Records published in the Ajmere Regulation Book have not been duly observed Your attention to this omission is directed and you are requested to represent what measures are now required to dispose of useless papers which have accumulated from not having been destroyed according to the Rules laid down

2 For the future to assist all offices in separating papers to be destroyed from those which are to be preserved with reference to para 8 of Rule IX page 1215 Ajmere Regulation Book and para 3 Rule XIV and with reference to all English correspondence which is not Judicial the following rule is prescribed —

RULE Each office shall keep a rubber stamp on which the letter D shall be inscribed in large characters

Before a letter is submitted for orders to the head of the office it shall be stamped D in red ink if its destruction is permissible under the Rule or in the case of non Judicial records if it does not appear necessary to preserve it for more than three years The head of the Office will thus have an opportunity of seeing if it has been rightly stamped D and all records so marked can easily be separated from files by any subordinate clerk when the time for destroying them arrives

They must however be destroyed in the presence of a responsible Officer who need only see that they are marked D without examining their contents and Rule XVII which enjoins a note being made of every record must not be overlooked When the record to be destroyed has been entered in any register the note of its destruction should be made against such entry

3 The object of this Rule is to insure the excercise of proper discretion in the destruction of documents and to admit of such destruction being carried out by inferior clerks with the minimum expenditure of time and trouble

4 The Rule is not intended to supersede or interfere with any of the Rules in the Regulation Book

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PUBLIC WORKS

RULES PRESCRIBING THE PROCEDURE TO BE OBSERVED IN CARRYING OUT WORK UNDER THE PROVICIAL SYSTEM IN THE DISTRICTS WITHIN THE JURISDICTION OF THE COMMISSIONER OF AJMERE AND MERWARA SANCTIONED BY THE CHIEF COMMISSIONER S RESOLUTION NO 2406S DATED 11TH OCTOBER 1884

CHAPTER I

PRELIMINARY

Definitions of terms

1 A Division is a Revenue Division within the jurisdiction of a Commissioner

2 The Divisional Engineer is an officer of the Public Works Department Imperial Establishment holding executive charge under Public Works Code Rules of all Public Buildings Roads Tanks &c in the several districts comprised within the division

3 Divisional Engineer includes the term Executive Engineer in the following rules —

4 Local Administration includes Chief Commissioner

5 Administrative sanction is the approval accorded by the Local Administration to the initiation of any project or work

CHAPTER II

Relation of Divisional Engineer to Commissioner

6 (1) The Executive Engineer Ajmere Provincial Division is the Divisional Engineer under Section 2 of Chapter I for the Districts of Ajmere Merwara

(2) He will work in immediate subordination to the Commissioner and in effect as his Secretary in respect of the initiation of works and distribution of resources and professionally in immediate subordination to the Superintending Engineer of the Circle in respect of the execution of works and the rendering of accounts

(3) No correspondence involving separate Record keeping is to be carried on between the Commissioner and the Divisional Engineer The office of the Divisional Engineer is to be the office of record of all correspondence of the Commissioner either with the Local Administration, with the Superintending Engineer with the Examiner, Public Works Accounts or with District Officers or Councils or with other Officers and Departments in matters relating to Public Works generally

(4) The Commissioner however will address the Local Administration under his own signature

The Superintending Engineer will address the Executive Engineer direct on professional matters but the covers will be addressed to the Commissioner as a rule or if the Commissioner so desires

This is a matter of office detail It is to be understood that the Divisional Engineer shows all correspondence to the Commissioner and will dispose of all business in such manner as the Commissioner may from time to time direct

7 All Engineering works proper in the Division will be executed through the Divisional Engineer except the repairs of village roads or any other miscellaneous work which the Municipal Committees or District Councils (with the approval of the Commissioner) may think will be more conveniently otherwise arranged for

8 The Divisional Engineer will under the orders of the Commissioner prepare rough Estimates &c as may be required and if necessary will inspect any spot building or work

9 Although it is the duty of the Executive Engineer to keep all buildings roads and tanks in repair, the Assistant Commissioners and District Councils are not relieved of any responsibility in this respect The Assistant Commissioner is held jointly responsible with the Executive Engineer for the state of all roads buildings and tanks within his district No Assistant Commissioner should be relieved of any responsibility until he can show that he has reported in due time any want of attention on the part of the Public Works Officers to the duties of maintaining the works in his district.

NOTE.—The Examiner will address the Executive Engineer direct in matters of account

(iii)—Petty works, which cost less than Rs 500, which the Commissioner may himself dispose of

23 Plans and Estimates under Cpapter III, Section I, Para 19 for works under class I (a) shall be submitted to the Local Administration in the Public Works Department for sanction on receipt of which the project will be registered for inclusion in the next year's budget Should, however, there be circumstances making it advisable that the work should be executed at once, these should be stated in sending up the project and application made for the necessary appropriation of funds under a separate letter

24 Plans and Estimates under Chapter III, Section I, Para 19 for Works under class I (*b*) will be sanctioned by the Commissioner himself and be similarly registered for inclusion in the next years budget, unless there be any work which circumstances make it desirable to put in hand at once, when the sanctioned project should be sent to the Local Administration in the Public Works Department for the requisite appropriation of funds

25 Plans and Estimates for Works under class II will be sanctioned by the Commissioner and be registered for inclusion in the ensuing year's budget, or if there are circumstances which make it desirable to carry out the work at once, he should explain them in an application to the Local Administration in the Public Works Department for an appropriation of the requisite funds

26 The powers delegated to the Commissioner under class III do not extend to Imperial Works such as Military, Postal and Telegraph, to these as well as to "Tools and Plant,' provided for in the Imperial budget, the Public Works Code Rules will apply

27 (1) No work shall be commenced until sanction to it has been accorded, allotment of funds made and orders for its commencement issued by competent authority

(2) In cases of emergency when the Divisional Engineer considers that the stability of any work will be endangered by delay, the Commissioner may, with or without the advice of the Superintending Engineer, authorize any necessary precautionary measures to be carried out, reporting his proceedings at the same time for confirmation

NOTE.—For works under classes I and II, Administrative sanction must first be obtained

Municipalities

28 Where not otherwise provided by Regulation the Rules in regard to power of sanction of Municipal Committees are as follows —

i—If the Estimates do not exceed Rs 2 500 the Committee can sanction them on the advice of the Divisional Engineer who shall always sign the Plans and Estimates in token of approval

ii—If the Estimates exceed Rs 2 500 and do not exceed Rs 5 000 they will be sanctioned by the Commissioner on the advice of the Superintending Engineer who will always sign the Plans and Estimates in token of approval

iii—Estimates exceeding Rs 5 000 will be referred to the Local Administration in the Public Works Department

Repairs

29 Repairs are either Ordinary or Special —

(*a*) Ordinary Repairs are those of a periodical or recurring nature These do not require Administrative sanction

(*b*) Special Repairs are such as involve any addition alteration or renewal to the original design which is not due to ordinary wear or tear For these Administrative sanction is required under the same rules as for Original Works

30 The repairs for all classes of buildings and works are provided for in the General Budget of the Province and the expenditure on them must necessarily be limited to the total sum allotted annually in the budget

31 Sanctioned estimates for periodical repairs of all kinds only hold good until the 31st March following or in special cases until the 15th June

32 The Divisional Engineer should see that Periodical Repair Estimates embrace ... much of the repairs required in each year as is possible, so as to reduce t... ...er of separate estimates and requisitions

3... ...mmissioner should satisfy himself that the Divisional Engineer ... ...nates inspect each building and road periodically in view to th... ...vision being made to bear due relation to real requirements and ens... ...dings being fairly maintained

Annual Repairs to Buildings

34 Estimates for annual repairs of all Civil buildings should be submitted on or before the 1st June This applies to repairs to be carried out by the Divisional Engineer

35 All repairs to buildings of a temporary character (mud walls, tiled-roofs native timbering, &c) will be carried out by the District Officials under the order of the Commissioner and from the funds provided in the Civil Budget for that purpose

36 No repairs affecting the constructive details of a building are to be executed except under the supervision of a Public Works Officer

Judicial Civil and Criminal Revenue Police Educational Ecclesiastical Dispensaries and District Funds

37 All Civil, Imperial and Provincial Buildings connected with the Departments as per margin, will be under the general charge of the Executive Engineer Municipal Buildings unless specially made over to him, or being used for Imperial purposes will remain in charge of the Committees

38 It is the duty of the officer occupying the building to inform the Commissioner if a building in his charge is out of repair either by letter or requisition as for a new work

39 No additions or alterations are to be made to any public building of any sort or kind without due authority This order must be strictly attended to in each department and by the sanctioning or controlling authority, while the Public Works Department is held responsible from a professional point of view, for the propriety of such alterations and additions as may be undertaken

40 Outlay on repairs to unauthorized additions or alterations is prohibited

41 The erection of private buildings within the precincts of Government lands is strictly prohibited, and all officers concerned are held responsible for reporting such irregularities. For the erection of Suitors' sheds, Vakils' rooms or buildings likely to be useful to people or officers attending court houses the sanction of the Local Administration must be first sought.

42 Every new building constructed by the Executive Engineer will be provided with all necessary fixtures, including record-racks, shelves pankhas, &c But the repair of these fixtures and all petty repairs of doors and windows, including the replacement of broken glass, will be provided for by the officers occupying the buildings except when required as part of a general repair

43 The officer in charge of each building should make some person of his establishment answerable for its general condition including the glass in each room, and fixtures, as also keeping a watch on the attacks of white ants giving strict attention to the cleanliness of the interior and neatness of the exterior and surroundings &c charges for which may be made by the officer concerned in his contingent bill

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COMMUNICATIONS

44 Roads are classed as—

I Imperial

II Local

III Municipal

Arrangements for repairs of class I will be made by the Public Works Department for classes II and III by the District Councils and Municipal Committees under the Rules and Regulations in force

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UNMETALLED ROADS

45 When Estimates for repairs of unmetalled roads are sanctioned the work may be carried out through the Divisional Engineer, or by such other agency as the District Councils or Municipal Committees may resolve

46 When the District Councils or Municipal Committees employ other Agency than the Divisional Engineer for repairs of unmetalled roads

kutcha buildings planting trees &c but require the work to be checked and paid for by him the work shall be accounted for to the Divisional Engineer by a bill which must be accepted and paid by him

47 Any bill for such work countersigned by a Magistrate or by a Chairman of a Municipal Committee or District Council shall be deemed sufficient authority for its payment by the Executive Engineer on condition that there is budget provision and that in the case of a work (other than repairs) costing over Rs 50 there is a sanctioned estimate

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IRRIGATION

48 At the commencement of each official year the Commissioner will be informed of the amount allotted for ordinary repairs under this head the procedure for sanctioning the repairs will be the same as that for repairs generally

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ESTIMATES

Section III

49 Detailed Estimates for works costing Rs 500 and over should no be entered upon until Administrative sanction has been accorded and the orders for their preparation been issued by the Local Administration in the Public Works Department, *vide* Section I para 19

50 In all Estimates for Major and Minor Works the letter giving Administrative approval and authorizing their preparation should be distinctly quoted under 'References'

51 The Abstracts of all estimates must be prepared in duplicate Both abstracts should bear the countersignature of the approving officer The duplicate abstract for estimates for (*a*) Major Works will be sent to the Examiner, Public Works Accounts, by the Secretary to the Local Administration in the Public Works Department, those for (*b*) Major and Minor Works as well as for Repairs, will be sent by the Divisional Engineer to the Examiner

52 The classification to be observed in the preparation of estimates is to be found in Appendix VI of Public Works Code, Vol 2 To ensure uniformity of classification the headings of the estimates for works and repairs and their abstracts should show distinctly the division, district, fund, class, main-head and sub head (and where necessary the project of which the work forms part) to which the estimate relates

53 Estimates for repairing unmetalled roads need not be of an elaborate character, it will suffice to state the width of each road its general condition whether it be a hill road or road in the plains or partly one and partly the other, with the proposed rate for repairs per mile, for each class of road

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FUNDS

Section IV

54 It is a fundamental rule that no outlay is to be incurred on any work without a due allotment of funds

55 Applications for allotments of funds should be submitted as soon as possible after the 1st April These should be regulated not according to budget grants, but to *bona fide* requirements (provided for in the budget) for the year

56 Anticipated lapses of funds should be reported to the Local Administration in the Public Works Department by the 1st October in each year at latest, to admit of their utilization elsewhere

57 The Local Administration alone has power to transfer funds from Original Works

58 The allotments entered in the budget for any year for Original Works estimated to cost more than Rs 2,500 each cannot be utilized until the money has been assigned in a formal manner by the Local Administration in the Public Works Department The applications for such assignments should be submitted separately for each work

Public Works]

Provincial Rules

59 *Applications for allotment of funds should be kept entirely distinct* from references regarding estimates For instance if an estimate for a work is submitted for sanction and funds are required at the same time a separate letter regarding the funds should be written

60 A reserve from the Minor Works grant allotted annually in the budget for any year will be placed at the disposal of the Commissioner When an appropriation for a minor work has once been made by the Commissioner, the Divisional Engineer will be held responsible that such budget appropriation is not exceeded Such appropriation once made however, shall not be diverted to any other minor work except under the authority granting the original appropriation

61 A list of works remaining incomplete on the 31st March of any year and which have not been entered in the budget of the succeeding year shall be submitted early in April and allotment of funds asked for to the Local Administration in the Public Works Department

Military Postal and Telegraph Buildings

62 The powers delegated to the Commissioner under the foregoing rules of this section do not extend to Imperial Works (see margin)

PETTY WORKS

63 A sum of money as a reserve for Petty Works will be placed from time to time by the Local Administration in the Public Works Department at the disposal of the Commissioner

64 The Commissioner will sanction and allot funds (if available) up to the limit of his reserve for the construction of all Petty Works in his division costing less than Rs 500 If the Commissioners reserve is exhausted and the work is urgent application for further funds should be made to the Local Administration in the Public Works Department On no account must Petty Works be commenced in anticipation of allotment of the requisite funds

65 The reserve placed at the disposal of the Commissioner is absolutely for Petty Works only unless otherwise ordered and must not be applied to any other purpose

REPAIRS

66 The allotment provided for repairs in the General Budget of the Province will be distributed at the commencement of each year according to requirements, and the Commissioner informed

67 From the sum so placed at the Commissioner's disposal appropriations will be made by that officer as he may deem requisite up to the limit of his allotment

68 The Commissioner has the power to transfer funds for repairs within budget sub heads, as for example, from one Revenue building to another or from one Police station to another

69 No appropriation should be made to a work or repair in excess of the sanction estimated amount for such work or repair

70 The Executive Engineer will submit a monthly statement in Form No 42 showing distinctly and separately every sanction accorded by the Commissioner or Assistant Commissioner under the preceding rules This statement will show the condition of the reserves placed at the disposal of the Commissioner at the close of each month

FORM No 42

Statement showing the condition of the Reserves for petty and unforeseen works as well as for repairs, as held by Commissioner of Ajmere at the close of the month of————

	RESERVE				
	Unappropriated Balance at end of last month	Additions this month	Total	Appropriated this month	Balance available
Petty Works					
Imperial					
Civil Buildings					
Communications					
Irrigation					
TOTAL WORKS					
Petty repairs					
Imperial					
Civil buildings					
Communications					
Irrigation					
TOTAL REPAIRS					

71 This statement after counter signature by the Commissioner should be sent direct to the Examiner of Public Works Accounts accompanied by abstracts of the sanctioned requisitions or estimates on which the works are being carried out A copy of the statement should also be sent to the Local Administration in the Public Works Department

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BUDGETS

Section V

72 The Divisional Engineer will under the orders of the Commissioner, prepare for submission to the Local Administration in the Public Works Department the Divisional Budget programme or schedule for each year

73 For general guidance in the preparation of the Divisional Budget, the following conditions should be observed —

i That the grant of the previous year be taken as a general guide to the totals

ii That all works likely to remain incomplete in the year and to be on hand in the ensuing year have first consideration and entry

iii That all works for which estimates have already been sanctioned stand second in importance

iv That works for which Administrative approval of the Local Administration has been received come next

74 No works will be admitted in the Budget for which projects have not been submitted

75 In the Budget for each year the works to be carried out by Public Works Officers will be entered and a charge for Establishment on the lump sum will be made

76 The contribution to be made shall be as ruled in the Local Administration No 1791S dated 6th July 1877, at 10 per cent on the amount entered in the Budget

CHAPTER IV

Method of accounting for Expenditure.

77 The procedure and forms prescribed by the Public Works Codes in the matter of accounting for expenditure are to be strictly adhered to

78 The Divisional Engineer will be placed in funds by means of monthly letters of credits obtained through the Examiner of Public Works Accounts. From this source only can expenditure be incurred by him

79. The subordinates under the Divisional Engineer shall be imprest-holders with imprest fixed with reference to the wants of each subject to the limit in amount prescribed in Public Works Code Rules

80 In dealing with Tehsildars &c, as contemplated in Chapter III, section ii, paras 46 47 of these rules it will be proper to constitute them temporary imprest-holders, with this difference that they shall not be called on to furnish more than the bill prescribed